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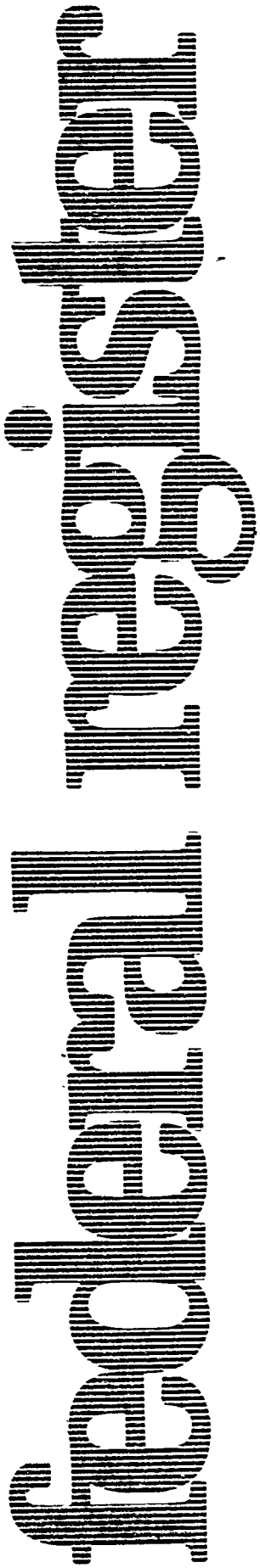

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Highlights

33396 **Model DC-10 Airplane** DOT/FAA issues special regulation prohibiting operation within U.S. airspace; effective 6-6-79

33441-33444 **Motor Vehicle Safety** DOT/NHTSA proposes amending standard for side door strength and considers amending standard on fuel system integrity; comments by 7-26 and 9-11-79; applications by 7-11-79 (2 documents)

33410 **Electric Utilities** DOE/FERC proposes rules on methods of calculating cash working capital allowance when filing rate schedule changes; comments by 7-9, 7-24, and 8-8-79

33398 **Magazine, Paperback or Record Sales** Treasury/IRS issues income tax regulations regarding procedure for electing to adopt special accounting method; effective after 9-30-79

33510 **Written Tax Determinations** Treasury/IRS announces intent to make open to public inspection; inquiries by 6-26-79

33632 **Secret and Confidential Restricted Data** DOE proposes revising rules on requirements for safeguarding and transmission; comments by 7-11-79 (Part IV of this issue)

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33496 **Migrant Education Program** HEW/OE invites applications for grants by State educational agencies, applications by 7-1-79

33626 **Surface Coal Mining and Reclamation** Interior/SMRE proposes amending certain initial regulations regarding operations conducted on prime farmland; comments by 7-27-79; hearings on 7-27-79 (Part III of this issue)

33640-33655 **Regulation of Coal Mining on Federal Lands** Interior/SMRE & GS adopt rules on Federal cooperative agreements with States of Montana, Utah, and Wyoming; effective 6-11-79 (3 documents) (Part V of this issue)

33473 **Clean Air** EPA and DOT outline policy and procedures for meeting Federal assistance limitations in areas where transportation control measures are needed; comments by 7-11-79

33580 **Certain Electric Utility Steam Generating Units** EPA establishes performance standards to limit emissions of sulfur dioxide particulate matter and nitrogen oxides and a new reference method for determining compliance; effective 6-11-79 (Part II of this issue)

33433 **Uranium** EPA requests information on hazards of mining wastes and standards for public health, safety, and environmental protection from hazards of residual materials; information by 7-20-79

33404 **Telecommunications Emergency Preparedness** Office of Science and Technology Policy adopt rules on policy and planning precepts and delegated responsibilities; effective 6-11-79

33496 **Guaranteed Student Loan Program** HEW/OE announces special allowance to qualified holders for quarter ending 3-31-79

33496 **Health Education Assistance Loan Program** HEW/OE announces variable interest rate on loans for quarter ending 6-30-79

33402 **Saint Lawrence Seaway** DOT/SLS adopt rules on navigation season closing procedures; effective 6-11-79

33547 **Sunshine Act Meetings**

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33580 **Part II, EPA**
33626 **Part III, Interior/SMRE**
33632 **Part IV, DOE**
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

Potatoes Grown in Colorado Area No. 3; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the Colorado Area No. 3 Potato Committee for the fiscal period beginning July 1, 1979. It enables the committee to collect assessments from first handlers on assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Donald S. Kuryloski, Acting Deputy Director, Fruit and Vegetable Division, AMS, U. S. Department of Agriculture, Washington, D. C. 20250. Telephone: (202) 447–6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 948, as amended (7 CFR Part 948), regulating the handling of potatoes grown in Colorado, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon other information, it is found that the expenses and rate of assessment which follows will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) as the order requires that the rate of assessment for a particular period shall apply to all assessable potatoes from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open public meeting of the committee held May 16, 1979, in Greeley, Colorado. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

The budget and rate of assessment have not been determined significant under the USDA criteria for implementing Executive Order 12044.

7 CFR Part 948 is amended by adding a new § 948.281 as follows:

§ 948.281 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period July 1, 1979, through June 30, 1980, by the Area No. 3 committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $1,765.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per hundredweight or equivalent quantity of assessable potatoes handled by each first handler during the fiscal period except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1980, may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: June 6, 1979.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-18128 Filed 6-8-79; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1207

Potato Research and Promotion Plan; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Serivce, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the National Potato Promotion Board for the 1979–80 fiscal period. It enables the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1979.

FOR FURTHER INFORMATION CONTACT: Donald S. Kuryloski, Acting Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–6393.

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

Notice was published in the May 4 Federal Register (44 FR 26113) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than June 2, 1979. None was received.

The budget and rate of assessment have not been determined significant under the USDA criteria for implementing Executive Order 12044. They should be approved prior to the Board's July 1, 1979, fiscal period as the program requires that the rate of assessment should apply to all assessable potatoes from the beginning of such period.

After consideration of all relevant matters, including the proposal in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the Federal Register (5 U.S.C. 553) because this part requires that the rate of assessment for a particular period apply to all assessable potatoes from the beginning of such period.

Amend 7 CFR Part 1207 by adding § 1207.408 to read as follows:

§ 1207.408 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1979, and ending June 30, 1980, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,178,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of P.L. 91-670; 84 Stat. 2041; (7 U.S.C. 2611-2627.))

Dated June 5, 1979 to become effective July 1, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-18023 Filed 6-8-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 18065, Amdt. 39-3489]

Airworthiness Directives; Dornier Model Do 28 D-2 Skyservant Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires an inspection of the engine fire extinguishing system of Dornier GmbH Model Do 28 D-2 airplanes for corrosion and chafing of pipelines, and modification of the system if necessary. The AD is prompted by reports of failures of the engine fire extinguishing system which could result in the inability to extinguish an engine fire.

DATES: Effective July 11, 1979. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from: Dornier GmbH, Vertrieb U. Kundendienst, Sales and Service Department, D-8000 Munchen 66, POB 2160, Federal Republic of Germany. A copy of the service bulletin is contained in the rules docket for this Amendment in Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AFS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the engine fire extinguishing system of Dornier GmbH Model Do 28 D-2 airplanes for corrosion and chafing of pipelines, and modification of the system as necessary, was published in the Federal Register at 43 FR 27556.

The proposal was prompted by reports of failures of the engine fire extinguishing system of Dornier Model Do 28 D-2 airplanes attributable to corrosion caused by the entrance of water into the system pipelines. In addition, it has been determined that the pipelines of the engine fire extinguishing system are prone to chafing. This condition also could result in failure of the engine fire extinguishing system.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Dornier GmbH. Applies to Model Do 28 D-2 Skyservant airplanes, serial numbers 4050 and 4301 through 4307, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To detect and eliminate corrosion and chafing of the engine fire extinguishing system pipelines, accomplish the following in accordance with Dornier Service Bulletin No. 2062-2828, dated April 1, 1977, or an FAA-approved equivalent:

(a) Within the next 25 hours time in service after the effective date of this AD, inspect the engine fire extinguishing system for corrosion, accumulation of water, and pipeline chafing.

(b) If corrosion or water accumulation is found during the inspection required by paragraph (a), before further flight, except as provided in paragraph (d) of this AD, modify the system by—

(1) Installing a pipeline seal;

(2) Incorporating pipeline water drainage holes;

(3) Installing a drain valve; and

(4) Replacing corrosion-prone pipelines with stainless steel pipelines between the engine fire extinguisher bottle and frame 6020.

(c) If pipeline chafing is found during the inspection required by paragraph (a), before further flight, except as provided in paragraph (d), modify the system by—

(1) Incorporating anti-abrasive protection; and

(2) Installing a pipeline securing clamp.

(d) Airplanes may be flown in accordance with FAR 21.197 and 21.199 to a base where the modifications required by paragraphs (b) and (c) of this can be performed.

This amendment becomes effective July 11, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C.1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AFS-110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C., on June 1, 1979.

James M. Vines,

Acting Director, Flight Standards Service.

[FR Doc. 79-18030 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 79-CE-11-AD; Amdt. 39-3488]

14 CFR Part 39

Airworthiness Directives; Gates Learjet Models 24 and 25 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models 24 and 25 airplanes equipped with Century III wings. The AD requires the

immediate incorporation of temporary revisions to the FAA-Approved Airplane Flight Manual which provide needed instructions when ice and/or turbulence are encountered and revisions to the airplane operating limitations. The AD further requires adjusting the stall warning system in accordance with Gates Learjet Service Bulletin SB 24/25-294. This AD is necessary to assure that proper operating instructions are provided to the pilot and that required stick pusher/shaker action occurs prior to aerodynamic stall of the airplane. Failure to operate the airplane in accordance with the revised instructions or to achieve proper stick pusher/shaker action could result in aerodynamic stall of the airplane with ensuing unsafe wing roll.

EFFECTIVE DATE: June 18, 1979.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Service Bulletin SB 24/25-294, dated May 25, 1979, applicable to this AD, may be obtained from Gates Learjet Corporation, Mid-Continent Airport, P.O. Box 7707, Wichita, Kansas 67277, Telephone Number (316) 946-2000. A copy of the Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Robert L. Klapprott, Aerospace Engineer, Engineering and Manufacturing, District Office Number 43, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4281/4282.

SUPPLEMENTARY INFORMATION: As a result of a recent accident study program involving Century III Learjet Model 25 airplanes, the following items were identified: (1) Under certain flap settings there may be insufficient margin between aerodynamic stall speed and the stick pusher speed; (2) the aerodynamic stall speed may bedcome higher with minor damage to the wing leading edge and/or when the aircraft encounters inflight turbulence, or wing ice accumulation, and (3) maintenance accomplished on the airplane may also affect the stall speed.

To avoid the possibility of an unsafe wing roll that may occur at aerodynamic stall, the FAA has determined that AD action is warranted to assure that proper margin between aerodynamic stall speed and stall warning is provided. This AD includes temporary flight manual revisions which provide procedures needed to assure safe operation of the airplane and requirements to adjust and test the stall warning system. When developed by the manufacturer and approved by FAA, permanent Airplane Flight Manual Revisions may be used to replace the temporary revisions provided by this AD.

The airplane manufacturer is currently developing revisions for the airplane maintenance manual which identifies various maintenance items which must be followed by a flight evaluation of the stall warning system. Also, the airplane manufacturer is developing a means of inspecting for the accumulation of wing leading edge ice during night operations. It is anticipated that the FAA will take additional AD action to require the use of the revised maintenance manual and the installation of the means to inspect for ice accumulation when their development is completed.

Since an unsafe condition is likely to develop in the operation of other airplanes of the same type design, an AD is being issued applicable to Century III Learjet Models 24 and 25 which requires immediate incorporation of a provided temporary revision to the FAA-Approved Flight Manual and makes compliance with the procedures provided in Gates Learjet Service Bulletin SB-24/25-294 mandatory.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the Federal Register

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Learjet: Applies to Model 24 (Serial Numbers 24-100 through 24-328 on which "Reduced Approach Speed System Kit" AAK 76-4 has been installed, and 24-329 through 24-357), and Model 25 (Serial Numbers 25-003 through 25-205 on which "Reduced Approach Speed System Kit" AAK 76-4 has been installed, and 25-206 through 25-278).

Compliance: Required as indicated, unless already accomplished.

(A) Effective immediately, temporarily insert the following information in the FAA-Approved Airplane Flight Manual and operate the airplane in accordance with these insertions:

1. In Section 1, adjacent to the heading STALL WARNING SYSTEM Limitation, add the following:

Both stall warning systems must be ON and operating for all Normal Flight Operations. The systems may be turned off for Emergency Operations per Airplane Flight Manual Section III Procedures and for stall warning system maintenance per the Maintenance Manual Procedures.

NOTE: Warning lights for both stall warning systems are inoperative when the generator and battery switches are OFF.

To assure proper stall warning system operation, the BEFORE STARTING and AFTER TAKEOFF stall warning system operational and comparison checks in Section II of this Airplane Flight Manual must be completed on each flight.

2. In Section II, under the heading BEFORE LANDING, add the following:

Landing Approach in Turbulence

Landing Approach Speed—Computed and bug set. Refer to Section IV.

NOTE: It is recommended that if turbulence is anticipated due to gusty winds, wake turbulence, or wind shear, the approach speed be increased. For gusty wind conditions, an increase in approach speed of one-half of the gust factor is recommended.

3. In Section II, under the heading ANTI-ICE SYSTEM, add the following:

Anti-Ice System Normal Operations

Observe Airplane Flight Manual's recommendations for normal use of all anti-ice systems.

WARNING: Even *small* accumulations of ice on the wing leading edges can cause aerodynamic stall prior to activation of the stick shaker and/or pusher.

4. In Section II, under the heading AFTER TAKEOFF, add the following:

Stall Warning Systems Comparison Check

As a final step in the AFTER TAKEOFF procedures, the following stall warning system comparison shall be observed:

ANGLE-OF-ATTACK Indicators—Cross-check pilot's and copilot's indicators for agreement.

5. In Section II, adjacent to the ICE DETECTION procedures, add the following:

Visual Ice Detection

A visual inspection may be used to check for ice accumulations on the wing leading edges. For night operation, the optional wing inspection light located on the right side of the fuselage may be turned on by setting the WING INSPECTION switch ON and checking for ice accumulations on the wing. It should be noted that the wing inspection light in itself is inadequate for detecting the presence of ice near the wing tips.

If the presence of wing leading edge ice is suspected during operations at night, in atmospheric conditions conducive to icing, the normal approach speeds must be increased per the APPROACH AND LANDING WITH ICE ON WING LEADING EDGES procedures in Section III of the Airplane's Flight Manual.

6. In Section III, under the heading ANTI-ICE SYSTEM FAILURE, add the following:

Approach and Landing With Ice on Wing Leading Edges

WARNING: Even *small* accumulations of ice on the wing leading edges can cause aerodynamic stall prior to activation of the stick shaker and/or pusher.

If approach and landing must be made with any ice (or suspected ice during night operations) on the wing leading edges:

1. Final Approach Speed—15 knots above normal;

2. Touchdown Speed—15 knots above normal; and

3. Landing distance—Increase by 20% Anti-Skid ON or OFF.

7. In Section IV, adjacent to the heading TAKEOFF DISTANCE, FLAPS 8° add the following:

Increase all chart Takeoff Distances by:

Model 24 with Century III wings + 4%; and

Model 25 with Century III wings + 6%.

8. In Section IV, adjacent to the heading CRITICAL ENGINE FAILURE SPEED, V_1, FLAPS — 8°; ROTATION SPEED, V_R, FLAPS — T.O. — 8°; AND ENGINE OUT SAFETY SPEED V_2 FLAPS — T.O.—8° charts, add the following:

Increase all chart V_1 V_R and V_2 speeds by:

Model 24 with Century III wings + 2 KNOTS INDICATED AIRSPEED; and

Model 25 with Century III wing + 3 KNOTS INDICATED AIRSPEED.

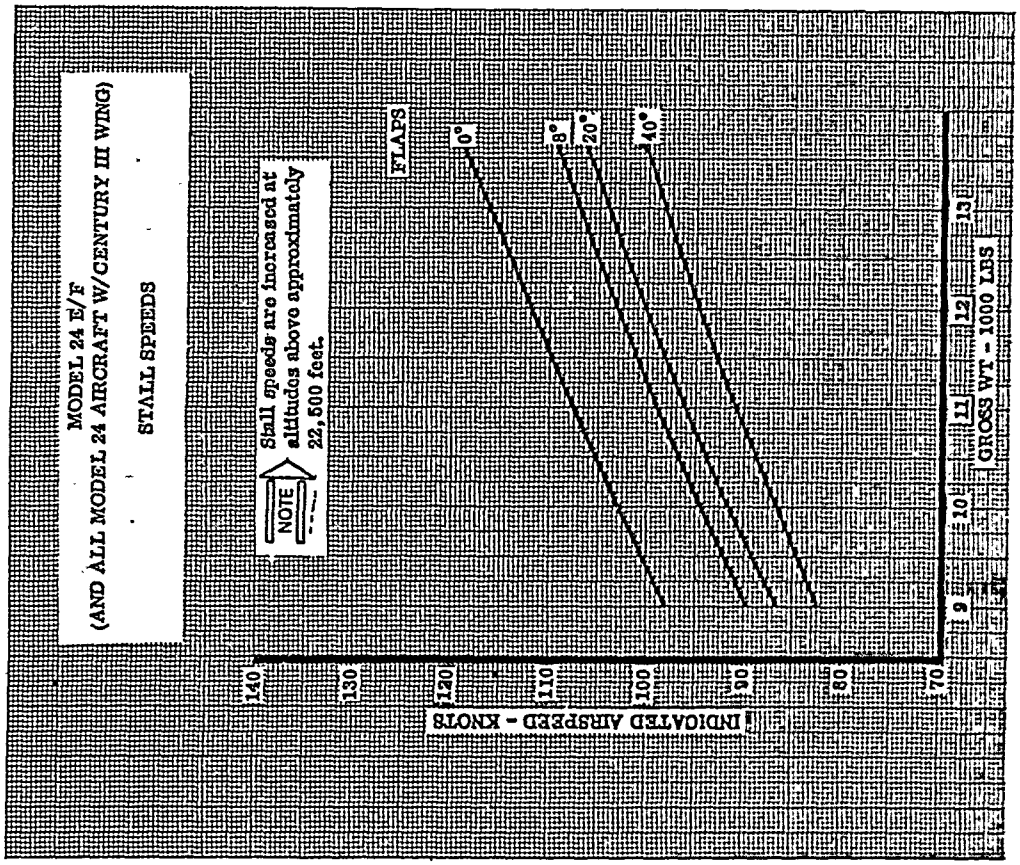
9. In Section IV, adjacent to the LANDING APPROACH SPEEDS chart, add the following:

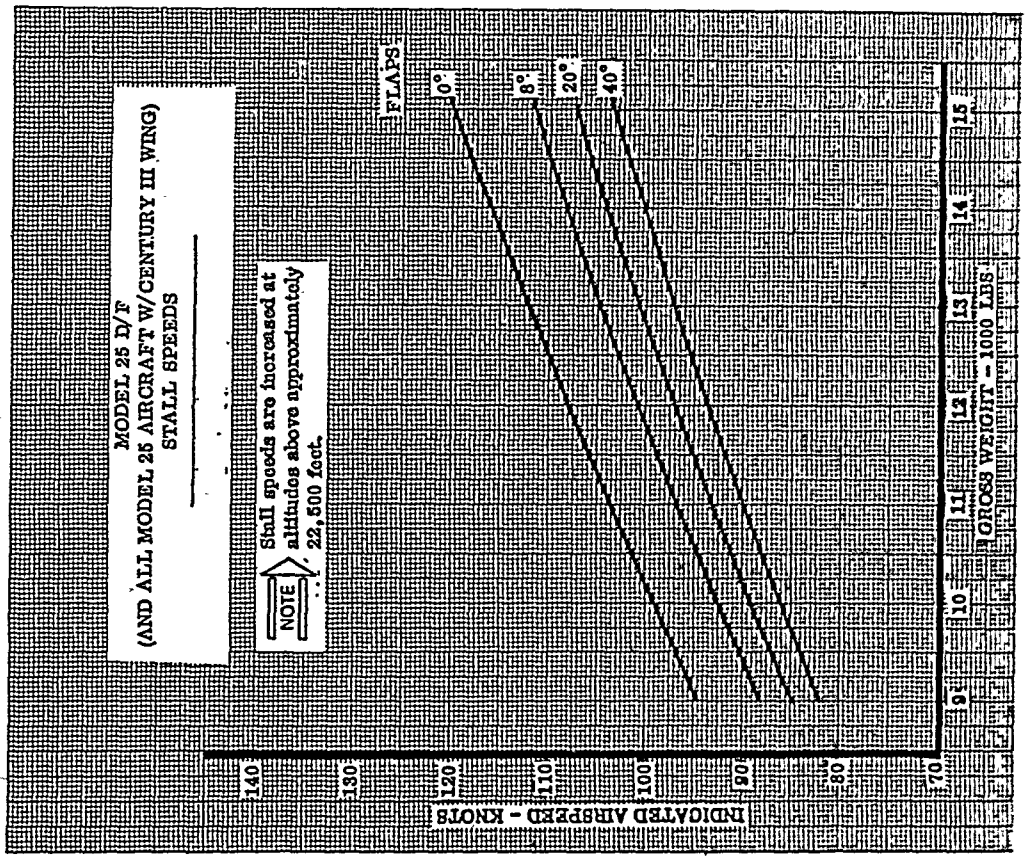
Increase all chart Landing Approach Speeds (V REF) by: + 6 KNOTS INDICATED AIRSPEED.

10. In Section IV, adjacent to the LANDING DISTANCE chart add the following:

Increase all Chart *Actual* and *Scheduled and Alternate Stops Field Lengths* by: + 8%.

11. In Section IV in place of the current STALL SPEEDS file the following charts:


MODEL 24 E/F
(AND ALL MODEL 24 AIRCRAFT W/CENTURY III WING)
STALL SPEEDS
NOTE
Stall speeds are increased at altitudes above approximately 22,500 feet.
FLAPS
0°
8°
20°
40°
INDICATED AIRSPEED - KNOTS
140
130
120
110
100
90
80
70
9
10
11
12
13
GROSS WT - 1000 LBS


MODEL 25 D/F
(AND ALL MODEL 25 AIRCRAFT W/CENTURY III WING)
STALL SPEEDS
NOTE
Stall speeds are increased at altitudes above approximately 22,500 feet.
FLAPS
0°
8°
20°
40°
INDICATED AIRSPEED - KNOTS
140
130
120
110
100
90
80
70
9
10
11
12
13
14
15
GROSS WEIGHT - 1000 LBS

(B) Within the next 300 hours time-in-service after the effective date of this AD, or December 15, 1979, whichever occurs first, adjust the stall warning system and inspect the systems and components that may affect aircraft stall speed in accordance with the procedures provided by Gates Learjet Service Bulletin SB 24/25-294 dated May 25, 1979.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Note.—This Airworthiness Directive, or a duplicate thereof, may be used as a temporary amendment to the Airplane Flight Manual and carried in the aircraft as a part of the Airplane Flight Manual until replaced by the permanent revisions to the Airplane Flight Manual provided by the manufacturer and approved by the FAA.

This Amendment becomes effective June 18, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3446.

Issued in Kansas City, Missouri on June 1, 1979.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 79-18037 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 91, 121, 129

[Docket No. 19238; SFAR 40]

Special Federal Aviation Regulation No. 40; Operation of Model DC-10 Airplanes in United States Prohibited

Note.—This document originally appeared in the Federal Register for Friday, June 8, 1979. It is reprinted in this issue to meet the Monday/Thursday publication schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This special regulation prohibits the operation of any Model DC-10 airplane within the airspace of the United States. This emergency regulation is necessary to provide adequately for safety in air commerce within the United States.

DATES: Effective date: June 6, 1979, at 6:00 p.m. EDT.

Comments by: August 3, 1979.

ADDRESS: Send comments to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket, AGC-24, 800 Independence Ave., SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Sullivan, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

On or about May 25, 1979, an accident occurred involving a McDonnell Douglas DC-10 series airplane at Chicago, Illinois. Subsequent to the accident the FAA issued several airworthiness directives applicable to all DC-10 series airplanes. As a result of the inspections required by the airworthiness directives, the FAA continued to be advised of the existence of cracks in the pylon mounting assemblies of certain airplanes and it appeared that the Model DC-10 airplane might not meet the applicable certification criteria of Part 25 of the Federal Aviation Regulations. Furthermore, the preliminary findings of an FAA post audit of the airplane type certification data indicated that it might not comply with the type certification basis set forth in § 25.571 of the Federal Aviation Regulations. As a consequence, there was reason to believe the Model DC-10 series airplane might not meet the requirements of section 603(a) of the Federal Aviation Act for a Type Certificate in that it might not be of proper design, material, specification, construction, and performance for safe operation, or meet the minimum standards, rules and regulations prescribed by the Administrator.

Therefore, on June 6, 1979, the Administrator of the FAA issued an emergency order suspending the Type Certificate issued for the Model DC-10 airplane. Notification of the Order was given to all known owners and operators of the airplane.

However, the FAA Order does not apply to or prohibit the operation of any Model DC-10 airplane that is not registered in the United States. In view of the serious safety problems currently involving operation of that airplane, the Administrator finds that a safety emergency exists which justifies adoption of a special regulation prohibiting operation in the United States of all Model DC-10 airplanes, including those on foreign registries.

Since a safety emergency exists which requires immediate action in the interest of ensuring safety in air commerce and air transportation, the Administrator finds that notice and public procedure are impractical and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

Interested persons are invited to submit such written data, views, or arguments as they may desire regarding the SFAR. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before August 3, 1979, will be considered by the Administrator and this SFAR may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Adoption of the Amendment

Accordingly, the following Special Federal Aviation Regulations is adopted, effective immediately:

Section 1. Contrary provisions of Parts 91, 121 and 129 of the Federal Aviation Regulations notwithstanding, no person may land or takeoff any Model DC-10 airplane within the United States, except as authorized under § 2 or otherwise authorized by the Administrator.

Section 2. This regulation does not apply to a foreign registered Model DC-10 airplane which, at the time this regulation takes effect, is en route to a place in the United States or is at a place within the United States. These airplanes may depart from the airport at which they are located, or at which they arrive, for a place outside the United States, using the most direct, feasible route, and without passengers or cargo on board.

This Special Federal Aviation Regulation is effective until amended or terminated by the Administrator.

(Secs. 313(a), 307, 601, 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1348, 1421 and 1423); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves a regulation which is significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this document is being issued as an emergency regulation, in accordance with DOT Policies and Procedures, an evaluation will be prepared and placed in the public docket as soon as possible.

Issued in Washington, D.C., on June 6, 1979 at 6:00 P.M. EDT.

Langhorne Bond,

Administrator.

[FR Doc. 79-18120 Filed 6-7-79; 9:32 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 323

[Regulation PR-207; Amdt. 1]

Terminations, Suspensions, and Reductions of Service; Approval by the General Accounting Office

June 6, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule gives notice that the General Accounting Office has approved the reporting requirements contained in a regulation which governs (1) notices of terminations, suspensions, and reductions of air transportation by air carriers, and (2) transportation (PR-200, 44 FR 20635, April 6, 1979). This approval is required under the Federal Reports Act, and was transmitted to the Civil Aeronautics Board by letter dated May 29, 1979.

DATES: Adopted: June 6, 1979. Effective: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand, Chief, Data Requirements Division, Office of Economic Analysis, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6044.

Accordingly, the Civil Aeronautics Board amends Part 323 of its Procedural Regulations (14 CFR 323) by adding the following note at the end of Part 323:

Note.—The reporting requirements contained in sections 323.4, 323.9, 323.11, 323.14 and 323.15 have been approved by the U.S. General Accounting Office under B-180226 (RO633).

This amendment is issued by the undersigned pursuant to the delegation of authority from the Board to the Secretary in 14 CFR sec. 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor

Secretary.

[FR Doc. 79-18114 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

24 CFR Part 1915

[Docket No. 5496]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immidiate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

§ 1915.9 List of communities with minimal flood hazard areas.

State	County	Community name	Date of conversion to regular program
Indiana	Howard	Town of Russiaville	June 1, 1979.
Michigan	Cass	Village of Cassopolis	June 1, 1979.
Ohio	Cuyahoga	City of Berea	June 1, 1979.
Ohio	Cuyahoga	City of Brooklyn	June 1, 1979.
Ohio	Cuyahoga	City of Brook Park	June 1, 1979.
Ohio	Cuyahoga	City of Highland Heights	June 1, 1979.
Ohio	Cuyahoga	Village of Moreland Hills	June 1, 1979.
Ohio	Cuyahoga	Village of Newburgh Heights	June 1, 1979.
Ohio	Cuyahoga	City of Olmsted Falls	June 1, 1979.
Ohio	Cuyahoga	City of Seven Hills	June 1, 1979.
Pennsylvania	Blair	Borough of Bellwood	June 1, 1979.
Pennsylvania	Luzerne	Borough of Courtdale	June 1, 1979.
Pennsylvania	York	Borough of Cross Roads	June 1, 1979.
Pennsylvania	Luzerne	Township of Fairview	June 1, 1979.
Pennsylvania	Fayette	Township of Jefferson	June 1, 1979.
Pennsylvania	Adams	Township of Latimore	June 1, 1979.
Pennsylvania	Adams	Borough of York Springs	June 1, 1979.
New York	Genesee	Village of Bergen	June 8, 1979.
New Jersey	Cumberland	Township of Stow Creek	June 15, 1979.
New Jersey	Salem	Town of Alloway	June 15, 1979.
New Jersey	Burlington	Township of Shamong	June 15, 1979.
New York	Cayuga	Town of Cato	June 22, 1979.
New York	Cayuga	Town of Sennett	June 22, 1979.
New Jersey	Atlantic	Town of Buena Vista	June 22, 1979.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: May 31, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17899 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7628]

Election to Account for Qualified Sales of Magazines, Paperbacks, or Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations in order to provide guidance to the public as to the manner in which an election is made to adopt a special method of accounting with respect to the sales of magazines, paperbacks, and records. Changes to the applicable law were made by the Revenue Act of 1978. These regulations affect all taxpayers who wish to adopt this special method of accounting.

EFFECTIVE DATE: The regulations are effective for taxable years beginning after September 30, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3432, not a toll-free number.

SUPPLEMENTARY INFORMATION:

Background

This document contains an amendment to the Income Tax Regulations (26 CFR Part 1) to provide regulations under section 458 of the Internal Revenue Code of 1954. This amendment provides rules relating to the manner in which taxpayers elect to have section 458 apply to them. Because this regulation is nonsubstantive and essentially procedural, it is found unnecessary to issue this Treasury decision with notice and public procedure. For the same reasons, this regulation is not a significant regulation under paragraph 8 of the Treasury Directive appearing in the Federal Register for November 8, 1978 (43 FR 52120).

Manner of and Time for Making Election

Generally, in order to have section 458 apply, a taxpayer must make an election for each trade or business in connection with which the taxpayer has qualified sales of magazines, paperbacks, or records. The election is made by filing a Form 3115 containing the required information with the taxpayer's income tax return for the first taxable year for which the election is made. The election does not require the prior consent of the Internal Revenue Service. However, the prior consent of the Internal Revenue Service is required in order to revoke the election

Drafting Information

The principal author of this regulation was Robert Katcher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows: Section 1.458–10 is added to read as follows:

§ 1.458–10 Manner of and time for making election.

(a) *Scope.* For taxable years beginning after September 30, 1979, section 458 provides a special method of accounting for taxpayers who account for sales of magazines, paperbacks, or records using an accrual method of accounting. In order to use the special method of accounting under section 458, a taxpayer must make an election in the manner prescribed in this section. The election does not require the prior consent of the Internal Revenue Service. The election is effective for the taxable year for which it is made and for all subsequent taxable years, unless the taxpayer secures the prior consent of the Internal Revenue Service to revoke such election.

(b) *Separate election for each trade or business.* An election is made with respect to each trade or business of a taxpayer in connection with which qualified sales (as defined in section 458(b)(5)) of a category of merchandise were made. Magazines, paperbacks, and records are each treated as a separate category of merchandise. If qualified sales of two or more categories of merchandise are made in connection with the same trade or business, then solely for purposes of section 458, each category is treated as a separate trade or business. For example, if a taxpayer makes qualified sales of both magazines and paperbacks in the same trade or business, then solely for purposes of section 458, the qualified sales relating to magazines are considered one trade or business and the qualified sales relating to paperbacks are considered a separate trade or business. Thus, if the taxpayer wishes to account under section 458 for the qualified sales of both magazines and paperbacks, such taxpayer must make a separate election for each category.

(c) *Manner of, and time for, making election.* An election is made under section 458 and this section by filing a statement of election containing the information described in paragraph (d) of this section with the taxpayer's income tax return for first taxable year for which the election is made. The election must be made no later than the time prescribed by law (including extensions) for filing the income tax return for the first taxable year for which the election is made. Thus, the election may not be filed with an amended income tax return after the prescribed date (including extensions) for filing the original return for such year.

(d) *Required information.* The statement of election required by paragraph (c) of this section must indicate that an election is being made under section 458(c) and must set forth the following information:

(1) The taxpayer's name, address, and identification number;

(2) A description of each trade or business for which an election is made;

(3) The first taxable year for which an election is made for each trade or business;

(4) The merchandise return period (as defined in section 458(b)(7)) for each trade or business for which an election is made;

(5) With respect to an election that applies to magazines, the amount of the adjustment computed under section 481(a) resulting from the change to the method of accounting described in section 458; and

(6) With respect to an election that applies to paperbacks or records, the initial opening balance (computed in accordance with section 458(e)) in the suspense account for each trade or business for which an election is made.

The statement of election should be made on a Form 3115 which need contain no information other than that required by this paragraph.

Because the amendment contained in the Treasury decision is concerned with procedural matters, it is found unnecessary to issue it with a notice and public procedure thereon under section 553(b) of Title 5 of the United States Code.

This Treasury decision is issued under the authority contained in sections 458 and 7805 of the Internal Revenue Code of 1954 (92 Stat. 2860 and 68A Stat. 917; 26 U.S.C. 458 and 26 U.S.C. 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: June 1, 1979.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 79-18018 Filed 6-8-79; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 14

[Order No. 834-79]

Regulating Action on Approved Administrative Claims Under Federal Tort Claims Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order abolishes the requirement that a request for the payment of any award, compromise, or settlement in excess of $100,000 under section 2672 of Title 28, United States Code, relating to the settlement of Federal tort claims, must be forwarded to the Bureau of Accounts, Department of the Treasury. The amendment brings 28 CFR 14.10(a) into line with the provisions of 31 U.S.C. § 724a, as amended.

EFFECTIVE DATE: May 29, 1979.

FOR FURTHER INFORMATION CONTACT: Jeffrey Axelrad, Director, Torts Branch, Civil Division, U.S. Department of Justice, Washington, D.C. 20530, (202) 724-6810.

PART 14—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

By virtue of the authority vested in me by 28 U.S.C. § 2672, Title 28, Code of Federal Regulations, is amended by revising § 14.10(a), to provide:

§ 14.10 Action on approved claims.

(a) Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to the provisions of section 2672 of Title 28, United States Code, shall be paid by the head of the Federal agency concerned out of the appropriations available to that agency. Payment of an award, compromise, or settlement in excess of $2,500 shall be obtained by the agency by forwarding Standard Form 1145 to the Claims Division, General Accounting Office. When an award is in excess of $25,000, Standard Form 1145 must be accompanied by evidence that the award, compromise, or settlement has been approved by the Attorney General or his designee. When the use of Standard Form 1145 is required, it shall be executed by the claimant or it shall be accompanied by either a claims settlement agreement or a Standard Form 95 executed by the claimant. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees; the check shall be delivered to the attorney, whose address shall appear on the voucher.

* * * * *

Dated: May 29, 1979.

Benjamin R. Civiletti,
Acting Attorney General.

[FR Doc. 79-18027 Filed 6-8-79; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 68, 195a, and 263

Deletion of Parts

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense continuously reviews its DoD Directives and DoD Instructions to ensure their currency, canceling those that have served their purpose and are no longer valid. Three such documents concerning reserve forces and configuration management that were published in the Code of Federal Regulations have been canceled. Consequently, this rule deletes these 3 Parts whose source documents have been canceled.

EFFECTIVE DATE: May 23, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Margarete S. Healy, Chief, Directives Division, OSD/WHS, Pentagon, Washington, D.C. 20301, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: Part 68 (DoD Directive 1200.10, "Determination of Manpower Available for Reserve Units in Specified Areas," July 14, 1970) was canceled by DoD Directive 1200.1, "Allocation of Reserve Forces Units to and Determination of Manpower in Local Communities," which was reissued April 21, 1979, and will appear in the Federal Register as a revised Part 67 in June 1979. Part 195a (DoD Instruction 5010.21, "Configuration Management Implementation Guidance," August 6, 1968) was canceled by DoD Directive 5010.19, "Configuration Management," which was reissued May 1, 1979 and will appear in the Federal Register as a revised Part 195 on May 30, 1979 (44 FR 31177). Part 263 (DoD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965) was canceled by DoD Directive 4700.1, "Natural Resources—Conservation and Management," which was reissued November 6, 1978.

Accordingly, 32 CFR Chapter I is amended by revoking the following Parts:

(a) Subchapter B—Personnel, Military and Civilian

PART 68 [REVOKED]

(b) Subchapter M—Miscellaneous

PARTS 195A AND 263 [REVOKED]

Authority: 10 U.S.C. 136.

H. E. Lofdahl,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

May 30, 1979.

[FR Doc. 79-17982 Filed 6-8-79; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 79-011]

Realignment of MIO/COTP Boundaries, Second and Ninth Coast Guard Districts

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: These amendments realign the boundaries of the Marine Inspection Zones and Captain of the Port Zones in the Second and Ninth Coast Guard Districts. These amendments also create

new Marine Inspection Offices in Milwaukee and Sturgeon Bay, Wisconsin; a new Captain of the Port Office in Sturgeon Bay; and reflect the moving of the Marine Inspection Office and Captain of the Port Office from Dubuque, Iowa to Minneapolis/St. Paul, Minnesota. These changes will facilitate more effective use of Coast Guard resources and enable the Second and Ninth Districts to accomplish their marine safety missions more efficiently.

EFFECTIVE DATE: These amendments are effective on June 25, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant (jg) George W. Molessa, Jr., Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, Washington, D.C. 20590, (202) 426-4958.

SUPPLEMENTARY INFORMATION: Since these amendments are related to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A). Since these amendments are not substantive they may be made effective in less than 30 days after publication in the Federal Register under 5 U.S.C. 553(d)(2).

The Coast Guard has determined that, in accordance with the Department of Transportation's notice entitled "Improving Government Regulations" (44 FR 11034), these amendments are not significant and do not warrant a full evaluation. This determination is predicated upon the fact that the boundary changes impose no additional burdens or substantive requirements upon the general public. They merely unify and consolidate areas of Coast Guard jurisdiction so as to eliminate confusion and allow the Coast Guard to more effectively serve the public.

Drafting Information

The principal persons involved in the drafting of this regulation are: Lieutenant (jg) George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant Jack Orchard, Project Attorney, Office of the Chief Counsel.

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

In consideration of the foregoing, Part 3 of Chapter I, Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.10-10 is amended to read as follows:

§ 3.10-10 St. Louis Marine Inspection Zone and Captain of the Port Zone.

(a) The St. Louis Marine Inspection Office and the St. Louis Captain of the Port Office are located in St. Louis, Missouri.

(b) The St. Louis Marine Inspection Zone and the St. Louis Captain of the Port Zone are comprised of: Wyoming; Colorado; Kansas; Nebraska; in South Dakota: Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, and Union Counties; in Arkansas: Boone, Imarion, Baxter, and Fulton Counties; all of Missouri except for Scotland, Clark, Cape Girardeau, Bollinger, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties; that part of Iowa west of Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Guthrie, Adair, Union, and Ringgold Counties; and that part of Illinois north of Union and Johnson Counties, west of Saline, Hamilton, Wayne, Clay, Jasper, Cumberland, Coles, Douglas, Champaign, and Ford Counties, and south of 41° N. latitude, excluding Warren and Henderson Counties and that part of Hancock County north of 40°15′ N. latitude (but including all of Knox County).

2. Section 3.10-15 is amended to read as follows:

§ 3.10-15 Paducah Marine Inspection Zone and Captain of the Port Zone.

(a) The Paducah Marine Inspection Office and the Paducah Captain of the Port Office are located in Paducah, Kentucky.

(b) The Paducah Marine Inspection Zone and the Paducah Captain of the Port Zone are comprised of: In Missouri: Cape Girardeau, Bollinger, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot Counties; in Illinois: Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties; in Kentucky: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Trigg, Crittenden, Caldwell, and Christian Counties, and that part of Union County south of a line drawn from the point of intersection of Gallatin and Hardin Counties and the Ohio River to the point of intersection of Union, Webster, and Henderson Counties; and in Tennessee: Lake Obion, Weakley, Henry, Stewart, and Gibson Counties, and that part of Dyer County north of 36° N. latitude.

3. Section 3.10-20 is amended to read as follows:

§ 3.10-20 Cincinnati Marine Inspection Zone and Captain of the Port Zone.

(a) The Cincinnati Marine Inspection Office and the Cincinnati Captain of the Port Office are located in Cincinnati, Ohio.

(b) The Cincinnati Marine Inspection Zone and the Cincinnati Captain of the Port Zone are comprised of: In Indiana: Ranklin, Ripley, Dearborn, Ohio, and Switzerland Counties; in Kentucky: Montgomery, Bath, Rowan, Bourbon, Nicholas, Fleming, Harrison, Robertson, Mason, Grant, Pendleton, Bracken, Gallatin, Boone, Kenton, and Campbell Counties, that part of Lewis County south and west of a line drawn from the point of intersection of Scioto and Adams Counties and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties, and that part of Carroll County east of a line drawn from the point of intersection of Jefferson and Switzerland Counties and the Ohio River to the point of intersection of Carroll, Owen, and Henry Counties; and that part of Ohio south of 41° N. latitude and west of Ashland, Knox, Licking, Fairfield, Pickaway, Ross, Pike, and Scioto Counties.

4. Section 3.10-25 is amended to read as follows:

§ 3.10-25 Minneapolis/St. Paul Marine Inspection Zone and Captain of the Port Zone.

(a) The Minneapolis/St. Paul Marine Inspection Office and the Minneapolis/St. Paul Captain of the Port Office are located in St. Paul, Minnesota.

(b) The Minneapolis/St. Paul Marine Inspection Zone and the Minneapolis/St. Paul Captain of the Port Zone are comprised of: North Dakota; all of South Dakota except for Gregory, Charles Mix, Douglas, Hutchinson, Bon Homme, Yankton, Turner, Clay, Lincoln, and Union Counties; that part of Minnesota south of 46°20′ N. latitude; that part of Wisconsin south of 46°20′ N. latitude and west of 90° W. longitude; that part of Iowa east of Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Cass, Adams, and Taylor Counties; in Missouri: Scotland and Clark Counties; and that part of Illinois north of 40°15′ N. latitude and west of 90° W. longitude, excluding Knox, Fulton, McDonough, Schuyler, and Mason Counties.

5. Section 3.10-30 is amended to read as follows:

§ 3.10-30 Huntington Marine Inspection Zone and Captain of the Port Zone.

(a) The Huntington Marine Inspection Office and the Huntington Captain of

the Port Office are located in Huntington, West Virginia.

(b) The Huntington Marine Inspection Zone and the Huntington Captain of the Port Zone are comprised of: All of West Virginia except for Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; in Ohio: Wayne, Holmes, Knox, Cushocton, Licking, Muskingum, Guernsey, Noble, Fairfield, Perry, Morgan, Pickaway, Ross, Hocking, Vinton, Athens, Washington, Pike, Jackson, Gallia, Meigs, Scioto, and Lawrence Counties, those parts of Ashland and Medina Counties south of 41° N. latitude, and that part of Monroe County south and west of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Noble, and Monroe Counties; and in Kentucky: Letcher, Perry, Owsley, Breathitt, Knott, Pike, Floyd, Magoffin, Wolfe, Menifee, Morgan, Johnson, Martin, Lawrence, Elliott, Boyd, Carter, and Greenup Counties, and that part of Lewis County north and east of a line drawn from the point of intersection of Scioto and Adams Counties and the Ohio River to the point of intersection of Carter, Greenup, and Lewis Counties.

6. Section 3.10–35 is amended to read as follows:

§ 3.10–35 Louisville Marine Inspection Zone and Captain of the Port Zone.

(a) The Louisville Marine Inspection Office and the Louisville Captain of the Port Office are located in Louisville, Kentucky.

(b) The Louisville Marine Inspection Zone and the Louisville Captain of the Port Zone are comprised of: that part of Indiana south of 41° N. latitude, except of Ranklin, Ripley, Dearborn, Ohio, and Switzerland Counties; that part of Illinois north of Pope and Hardin Counties, east of Williamson, Franklin, Jefferson, Marion, Fayette, Effingham, Shelby, Moultrie, Piatt, McLean, and Livingston Counties, and south of 41° N. latitude; and in Kentucky: Todd, Logan, Simpson, Allen, Warren, Barren, Metcalfe, Muhlenberg, Butler, Edmonson, Hart, Green, Taylor, Adair, Casey, Lincoln, Webster, Hopkins, McLean, Ohio, Grayson, Henderson, Daviess, Hancock, Breckinridge, Meade, Hardin, Larue, Nelson, Washington, Marion, Anderson, Mercer, Boyle, Woodford, Jessamine, Garrard, Fayette, Clark, Madison, Estill, Powell, Lee, Bullitt, Spencer, Jefferson, Shelby, Franklin, Scott, Oldham, Henry, Owen, and Trimble Counties, that part of Carroll County west of a line drawn from the point of intersection of Jefferson and Switzerland Counties and the Ohio River to the point of intersection of Carroll, Owen, and Henry Counties, and that part of Union County north of a line drawn from the point of intersection of Gallatin and Hardin Counties and the Ohio River to the point of intersection of Union, Webster, and Henderson Counties.

7. Section 3.10–40 is amended to read as follows:

§ 3.10–40 Memphis Marine Inspection Zone and Captain of the Port Zone.

(a) The Memphis Marine Inspection Office and the Memphis Captain of the Port Office are located in Memphis, Tennessee.

(b) The Memphis Marine Inspection Zone and the Memphis Captain of the Port Zone are comprised of: Oklahoma; all of Arkansas except for Boone, Imarion, Baxter, and Fulton Counties; in Tennessee: Shelby, Fayette, Hardeman, Tipton, Haywood, Lauderdale, and Crockett Counties, and that part of Dyer County south of 36° N. latitude; and in Mississippi: DeSoto, Marshall, Benton, Tippah, Tunica, Tate, Coahoma, Quitman, Panola, Lafayette, Union, Pontotoc, Lee, Bolivar, Washington, Sunflower, Tallahatchie, Leflore, Yalobusha, Grenada, Calhoun, and Chickasaw Counties.

8. Section 3.10–45 is amended to read as follows:

§ 3.10–45 Nashville Marine Inspection Zone and Captain of the Port Zone.

(a) The Nashville Marine Inspection Office and the Nashville Captain of the Port Office are located in Nashville, Tennessee.

(b) The Nashville Marine Inspection Zone and the Nashville Captain of the Port Zone are comprised of: That part of Alabama north of 34° N. latitude; in Kentucky: Monroe, Cumberland, Clinton, Russell, Wayne, McCleary, Pulaski, Whitley, Laurel, Rockcastle, Bell, Knox, Jackson, Clay, Leslie, and Harlan Counties; all of Tennessee except for Stewart, Henry, Weakley, Obion, Lake, Dyer, Gibson, Crockett, Lauderdale, Haywood, Tipton, Hardeman, Fayette, and Shelby Counties; and in Mississippi: Alcorn, Prentiss, and Tishomingo Counties except for that portion of the Tennessee-Tombigbee Waterway south of the Bay Springs Lock and Dam.

9. Section 3.10–50 is amended to read as follows:

§ 3.10–50 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

(a) The Pittsburgh Marine Inspection Office and the Pittsburgh Captain of the Port Office are located in Pittsburgh, Pennsylvania.

(b) The Pittsburgh Marine Inspection Zone and the Pittsburgh Captain of the Port Zone are comprised of: that part of Pennsylvania south of 41° N. latitude and west of 79° W. longitude; in West Virginia: Preston, Monongalia, Marion, Marshall, Ohio, Brooke, and Hancock Counties; and in Ohio: Stark, Columbiana, Tuscarawas, Carroll, Harrison, Jefferson, and Belmont Counties, those parts of Summit, Portage, and Mahoning Counties south of 41° N. latitude, and that part of Monroe County north and east of a line drawn from the point of intersection of Marshall and Wetzel Counties and the Ohio River to the point of intersection of Belmont, Nobile, and Monroe Counties.

§§ 3.10–55, 3.10–60, 3.10–65, 3.10–70, 3.10–75, 3.10–80, 3.10–85, 3.10–90, 3.10–95 [Deleted]

10. Sections 3.10–55, 3.10–60, 3.10–65, 3.10–70, 3.10–75, 3.10–80, 3.10–85, 3.10–90 and 3.10–95 are deleted.

11. Section 3.45–5 is amended to read as follows:

§ 3.45–5 Cleveland Marine Inspection Zone and Captain of the Port Zone.

(a) The Cleveland Marine Inspection Office and the Cleveland Captain of the Port Office are located in Cleveland, Ohio.

(b) The Cleveland Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From the international boundary in Lake Erie at longitude 82° 25′ W.; thence due south to latitude 41° N.; thence due east longitude 81° W.; thence due north to the international boundary; thence southwesterly along the international boundary to the starting point.

(c) Notwithstanding paragraph (b) of this section and § 3.10–50(b), factory inspections at the towns of Alliance and Sebring, Ohio, are conducted by marine inspectors from the Cleveland Marine Inspection Office rather than from the Pittsburgh Marine Inspection Office.

12. Section 3.45–10 is amended to read as follows:

§ 3.45–10 Buffalo Marine Inspection Zone and Captain of the Port Zone.

(a) The buffalo Marine Inspection Office and the Buffalo Captain of the Port Office are located in Buffalo, New York.

(b) The Buffalo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas

within the following boundaries: From the international boundary in Lake Erie at longitude 81° W.; thence due south to latitude 41° N.; thence due east to longitude 78° 55' W.; thence due north to latitude 42° N.; thence due east to longitude 74° 39' W.; thence due north to the international boundary; thence southeasterly along the international boundary to the starting point.

13. Section 3.45–15 is amended to read as follows:

§ 3.45–15 Chicago Marine Inspection Zone.

(a) The Chicago Marine Inspection Office is located in Chicago, Illinois.

(b) The Chicago Marine Inspection Zone includes those parts of Michigan, Indiana, Ohio, and Illinois within the following boundaries: From the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N., longitude 86°40' W.; thence due east to longitude 84°30' W.; thence due south to latitude 41° N.; thence due west to longitude 90° W.; thence due north to the starting point.

14. Section 3.45–20 is amended to read as follows:

§ 3.45–20 Detroit Marine Inspection Zone and Captain of the Port Zone.

(a) The Detroit Marine Inspection Office and the Detroit Captain of the Port Office are located in Detroit, Michigan.

(b) The Detroit Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United States and contiguous land areas within the following boundaries: From latitdue 42° N., longitude 84°30'W.; thence due east to the international boundary; thence northerly along the international boundaries to latitude 44°43' N.; thence due west to longitude 84°30' W.; thence due south to the starting point.

15. Section 3.45–25 is amended to read as follows:

§ 3.45–25 Duluth Marine Inspection Zone and Captain of Port Zone.

(a) The Duluth Marine Inspection Office and the Duluth Captain of the Port Office are located in Duluth, Minnesota.

(b) The boundary of the Duluth Marine Inspection Zone and Captain of the Port Zone starts at the intersection of the Minnesota-North Dakota boundary and the international boundary; thence southerly along the Minnesota-North Dakota boundary to latitude 46°20' N.; thence due east to longitude 88°30' W.; thence northeasterly to the shore of Lake Superior at longitude 87°45' W.; thence northerly to Manitou Island Light, located at latitude 47°25' N., longitude 87°35' W.;thence due north to the international boundary at longitude 87°35' W.; thence westerly along the international boundary to the starting point.

16. Section 3.45–30 is added to read as follows:

§ 3.45–30 Milwaukee Marine Inspection Zone and Captain of the Port Zone.

(a) The Milwaukee Marine Inspection Office and the Milwaukee Captain of the Port Office are located in Milwaukee, Wisconsin.

(b) The boundary of the Milwaukee Marine Inspection Zone and Captain of the Port Zone starts at the Illinois-Wisconsin boundary at longitude 90° W.; thence due east to longitude 87° W.; thence due north to latitude 43°52'36" N.; thence due west to longitude 88°02'24" W.; thence due north to latitude 44°16'20" N.; thence due west to longitude 90° W.; thence due south to the starting point.

17. Section 3.45–35 is added to read as follows:

§ 3.45–35 Sturgeon Bay Marine Inspection Zone and Captain of the Port Zone.

(a) The Sturgeon Bay Marine Inspection Office and the Sturgeon Bay Captain of the Port Office are located in Sturgeon Bay, Wisconsin.

(b) The boundary of the Sturgeon Bay Marine Inspection Zone and Captain of the Port Zone starts at latitude 46°20' N.; longitude 90° W.; thence due south to latitude 44°16'20" N.; thence due east to longitude 88°02'24" W.; thence due south to latitude 43°52'36" N.; thence due east to longitude 87° W.; thence due north to latitude 44°15' N.; thence northeasterly to latitude 44°43' N., longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence due west to the starting point.

18. Section 3.45–45 is amended to read as follows:

§ 3.45–45 St. Ignace Marine Inspection Zone and Sault Ste. Marie Captain of the Port Zone.

(a) The St. Ignace Marine Inspection Office is located in St. Ignace, Michigan. The Sault Ste. Marie Captain of the Port Office is located in Sault Ste. Marie, Michigan.

(b) The boundary of the St. Ignace Marine Inspection Zone and the Sault Ste. Marie Captain of the Port Zone starts at the international boundary at latitude 44°43' N.; thence due west to longitude 86°40' W.; thence due north to latitude 45°27' N.; thence due west to longitude 88°30' W.; thence due north to latitude 46°20' N.; thence northeasterly to the shore of Lake superior at longitude 87°45' W.; thence northerly to Manitou Island Light, located at latitude 47°25' N., longitude 87°35' W.; thence due north to the international boundary at longitude 87°35' W.; thence southeasterly along the international boundary to the starting point.

19. Section 3.45–50 is amended to read as follows:

§ 3.45–50 Toledo Marine Inspection Zone and Captain of the Port Zone.

(a) The Toledo Marine Inspection Office and the Toledo Captain of the Port Office are located in Toledo, Ohio.

(b) The Toledo Marine Inspection Zone and Captain of the Port Zone include all navigable waters of the United states and contiguous land areas within the following boundaries: From latitude 42° N.; longitude 84°30' W.; thence due south to latitude 41° N.; thence due east to longitude 82°25' W.; thence due north to the international boundary in Lake Erie; thence northwesterly along the international boundary to latitude 42° N.; thence due west to the starting point.

§§ 3.45–55, 3.45–65, 3.45–70, 3.45–75, 3.45–85, 3.45–95 and 3.45–97 [Deleted]

20. Sections 3.45–55, 3.45–65, 3.45–70, 3.45–75, 3.45–85, 3.45–95, and 3.45–97 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46)

Dated: June 4, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-18115 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-14-M

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Seaway Regulations; Navigation Season Closing Procedures

AGENCY: Saint Lawrence Seaway Development Corporation.

ACTION: Final rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation and its counterpart Canadian agency the St. Lawrence Seaway Authority in an effort to prevent a recurrence of vessel traffic congestion conditions which in past years have occurred during the closing

of the navigation season on the Montreal-Lake Ontario section of the St. Lawrence Seaway formalize exiting procedures designed to encourage the timely and orderly exit of vessels prior to the close of navigation. In the United States, this will be accomplished by the addition of two new sections to subpart A of 33 CFR Part 401.

EFFECTIVE DATE: June 11, 1979.

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 1979, the Saint Lawrence Seaway Development Corporation published in the Federal Register (44 FR 12065) proposed additional sections of the Seaway Regulations which would incorporate into those regulations existing navigation season closing procedures and requested public comment on the proposed sections. These procedures were developed during the 1978 navigation season in conjunction with the Canadian Seaway Authority and representatives of affected segments of the shipping industry. These procedures were implemented for 1978 by means of Seaway Notice Affecting Navigation, No. 20 of 1978 which was distributed to mariners beginning August 1, 1978 and published in the October 30, 1978 Federal Register (43 FR 50530).

Comments

Only four comments were received in response to the notice of proposed rulemaking; two from the United States and two from Canada.

Both of the comments from the United States were from parties to whom the proposed regulations would not be directly applicable. One comment fully endorsed the proposed regulations and urged a specific date as that which should be designated by the Seaway entities as the 1979 clearance date. The other objected in principle to the procedures but offered no alternative means of effectively addressing the problem of vessels which elect to ignore established clearance dates.

The two Canadian commentors both supported the proposed regulations but offered specific comments on particular sections. The extent to which these comments and others which were communicated to the Canadian Seaway Authority were incorporated into the final regulations is reflected in the Explanation of Changes detailed below.

Other changes which were suggested were considered by the Seaway entities but not adopted. It was felt that these changes would for the most part complicate the closing procedures without contributing significantly to their effectiveness.

Explanation of Changes

Section 401.95(c) The word "upbound" has been dropped from the first sentence of this definition so that it clearly applies to all vessels as was originally intended.

Section 401.96(b) This section was modified slightly to provide that the date upon which vessels are to begin reporting changes in destinations will be designated annually by the Seaway Corporation and the Canadian Seaway Authority.

Section 401.96(e)(3) This is a new subsection which was added as the result of comments which raised questions about the actual payment of the operational surcharge in those cases where post-clearance date transit may be permitted. The new subsection specifies that the surcharge must be furnished when the vessel is accepted for transit and that the surcharge will be calculated as of that time.

Section 401.96(f) In direct response to the comments received, the Seaway entities agreed to amend the regulations to provide that minimum power and draft requirements would be announced at least thirty days prior to the beginning of the closing period rather than 24 hours prior to such requirements becoming effective. The final regulations provide that further restrictions may be imposed upon 24 hours notice should conditions warrant.

Section 401.96(g) This section was added at the request of the vessel industry to establish clearly that in the event of extreme circumstances the Seaway entities may modify or waive the established closing procedures. It is emphasized that this will not take place on a vessel-by-vessel basis.

The Seaway Corporation has determined that the formalization of existing joint U.S.-Canadian navigation season closing procedures should not result in any added cost to or impact on the private sector, consumers, or Federal, State and local governments. The expected impact of this regulation is therefore such that it is not considered significant for the purposes of the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034).

As these amendments will not require any immediate action by interested parties but do require the preparation and distribution of advisory notices to mariners by the Seaway Corporation and the Canadian Seaway Authority, good cause exists for making them effective upon publication. Therefore Part 401 Chapter IV of Title 33, Code of Federal Regulations is amended to include the following new §§ 401.95 and 401.96:

§ 401.95 Definitions.

In § 401.96:

(a) "Closing date" means that date and time when facilities are closed to commercial vessels at the end of the navigation period;

(b) "Closing period" means a period immediately preceding the closing date;

(c) "Clearance date" means that date and time designated annually by the Authority and the Corporation by which vessels must report for final transit in the Montreal-Lake Ontario section of the Seaway. Upbound vessels must report at Cape St. Michel and downbound vessels must report at Cape Vincent;

(d) "Montreal-Lake Ontario section of the Seaway" means that portion of the Seaway between the Port of Montreal and mid-Lake Ontario which includes traffic control sector numbers 1 through 4.

401.96 Closing procedures.

During the closing period prior to the closing date, the following procedures shall be followed by and be applicable to all vessels transiting the Montreal-Lake Ontario section of the Seaway:

(a) A clearance date will be jointly designated annually by the Authority and the Corporation for the Montreal-Lake Ontario section of the Seaway. This clearance date will specify the date and time that both upbound and downbound vessels must have reported at the designated call-in points set forth in paragraph (d) of this section.

(b) Each vessel, upon entering the Montreal-Lake Ontario section of the Seaway or departing upbound from a port, dock, wharf or anchorage in this section of the Seaway, will report to the appropriate vessel traffic control center the furthermost destination of its voyage along with all intermediate destinations within the Montreal-Lake Ontario section of the Seaway. Each vessel will immediately advise the nearest vessel traffic control center of any change in the reported destinations. The date to commence reporting will be annually designated by the Authority and the Corporation.

(c) No upbound vessels will transit the Montreal-Lake Ontario section of the Seaway after a date designated annually prior to the clearance date if its

final upbound destination is further upbound than Port Colborne unless it offers assurances satisfactory to both the Authority and the Corporation that it will not present itself for downbound transit through the Montreal-Lake Ontario section of the Seaway during the remainder of the navigation period.

(d) Upbound vessels which have reported at Cape St. Michel by the clearance date and downbound vessels which have reported at Cape Vincent by the clearance date will be cleared through the system, operational conditions permitting.

(e)(1) Vessels which have not reported at the call-in points designated above by the clearance date may be allowed to transit if, in the judgment of the Authority and the Corporation, such transits can be permitted. Each vessel which is permitted such post-clearance date transit will pay an operational surcharge as follows:

(i) Vessels reporting during the 24 hour period immediately following the clearance date: $20,000

(ii) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: $40,000

(iii) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: $60,000

(iv) Vessels reporting more than 72 hours late: $80,000

(2) Assessed operational surcharges will be prorated on a per lock basis. Surcharges representing transit through U.S. locks will be for the account of the Corporation and payable in U.S. funds and surcharges representing transit through Canadian locks will be for the account of the Authority and payable in Canadian funds.

(3) Vessels which are allowed either upbound or downbound transit privileges in the Montreal-Lake Ontario section of the Seaway after the clearance date must furnish the applicable surcharge before being accepted for such transit. If a vessel is accepted for post-clearance date transit, the applicable surcharge will be calculated from the clearance date to the time the vessel is accepted for such transit.

(f) Because of the unique ice conditions frequently encountered in the St. Lamber-Iroquois segment of the Montreal-Lake Ontario section of the Seaway, minimum vessel power and draft requirements will be in effect during the closing period. The effective date and the requirements will be announced as early as practical but in no case later than 30 days prior to the beginning of the closing period. However, should conditions warrant, further restrictions may be imposed upon 24 hours notice.

(g) The provisions in paragraphs (a) through (f) of this section will not be adjusted or waived except as a result of extreme circumstances over which the Seaway entities have no control and which could not have reasonably been foreseen at the time applicable dates were established. Inclement weather, pilotage delays and vessels queues which occur at the end of the navigation period do not meet the requirements of this section. In any event, adjustments will not be made on a vessel-by-vessel basis.

(68 Stat. 92–97, 33 USC 981–990, as amended and Sec. 104, P.L. 95–474, Sec. 2, 92 Stat. 1472)

Issued at Washington, D.C. on June 1, 1979.

Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,

Administrator.

[FR Doc. 79-17770 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-61-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY AND NATIONAL SECURITY COUNCIL

47 CFR Parts 201 and 202

Telecommunications Emergency Preparedness

AGENCY: Office of Science and Technology Policy.

ACTION: Codification of Telecommunications Preparedness Policy and Planning Precepts.

SUMMARY: Executive Order 12046 (43 FR 13349 *et seq,* March 27, 1978) transferred certain functions with respect to telecommunications emergency preparedness to the National Security Council (NSC) and the Office of Science and Technology Policy (OSTP). Parts 201 and 202 to Chapter II, 47 CFR codify Executive policy and planning precepts and delegated responsibilities with respect to telecommunications emergency preparedness.

EFFECTIVE DATE: June 11, 1979.

FOR FURTHER INFORMATION CONTACT: Wayne G. Kay, 395–3272.

1. Part 201 is added to Chapter II of Title 47 to read as set forth below:

PART 201—EXECUTIVE POLICY AND RESPONSIBILITIES

Sec.

201.0 Background.
201.1 Authority.
201.2 Definitions.
201.3 Policy.
201.4 Responsibilities.

Authority: The provisions of this Part 201 issued under 61 Stat. 496, 63 Stat. 579 and E.O. 12046, 43 FR 13353, 50 U.S.C. 401 et seq.

§ 201.0 Background.

(a) National policy with respect to the conservation, allocation, and use of the Nation's resources during a general war emergency, including nuclear attack upon the United States (hereinafter referred to as a natinal emergency), is set forth in the National Plan for Emergency Preparedness, developed within the Executive Office of the President in 1963 and revised in 1964. Successor Administrations have retained and endorsed the plan as the basic official national policy document.

(b) Chapter 7 of the plan (Telecommunications) sets forth substantive policy guidance for Federal, State, and local government emergency preparedness planning and establishes the interrelationship of levels of government with respect to development and execution of emergency preparedness plans.

(c) Following parts of this chapter will address specific responsibilities with respect to management of telecommunications resources and related procedures which bear upon provision, restoration, and continuity of communications services during a national emergency.

§ 201.1 Authority.

(a) Authorities and responsibilities related to and bearing upon national security and emergency preparedness telecommunications matters are set forth in:

(1) The Communications Act of 1934 (48 Stat. 1104, 47 CFR 606), as amended.

(2) The National Security Act of 1947 (61 Stat. 496, 50 CFR 402), as amended by the National Security Act Amendments of 1949 (63 Stat. 579, 50 CFR 401 et seq.)

(3) The Presidential Memorandum of August 21, 1963, "Establishment of a National Communications System" (28 FR 9413, 3 CFR 1959–1963 comp., page 858).

(4) The Disaster Relief Act of 1974 (42 CFR 5121 et seq.)

(5) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (90 Stat. 463, 42 CFR 6611).

(6) Executive Order 12046, "Relating to the Transfer of Telecommunications Functions," March 27, 1978, (43 FR 13349 et seq.)

(b) Authorities to be exercised in the execution and performance of emergency functions are subject to the

provisions of the National Emergencies Act of 1976 (90 Stat. 1255, 50 CFR 1601).

§ 201.2 Definitions.

The following definitions apply herein:

(a) "Telecommunications" means any transmission, emission, or reception of signs, signals, writing, images, graphics, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(b) "Telecommunications resources" include telecommunications personnel, equipment, material, facilities, systems, and services, public and private, wheresoever located within the jurisdiction of the United States.

(c) "Communications common carrier", "specialized carrier", or "carrier" means any individual, partnership, association, joint stock company, trust, or corporation subject to Federal or State regulation engaged in provided telecommunications facilities or services, for use by the public, for hire.

(d) "Government" means Federal, State, county, municipal, and other local government authority. Specific qualification will be provided whenever reference to a particular level of government is intended.

(e) "Private sector" means those sectors of nongovernment entities engaged in private enterprise, public services, and the general public, as users of telecommunications services.

(f) "National priorities" means those essential actions and activities in which the government and the private sector must become engaged in the interests of national survival and recovery.

(g) "The National Communications System (NCS)" means that system which was established by Presidential Memorandum of August 21, 1963, "Establishment of a National Communications System." It is a confederative arrangement in which certain Federal agencies participate with their owned and leased telecommunications assets to provide necessary communications services for the Federal Government, under all conditions, including nuclear war.

§ 201.3 Policy.

(a) The Federal Government is basically responsible for resources mobilization, including determination of the need for and the extent of mobilization necessary in all national emergencies.

(b) In an immediate postattack period all decisions regarding the use of resources will be directed to the objective of national survival and recovery. In order to achieve this objective, postattack resources will be assigned to activities concerned with the maintenance and saving of lives, immediate military defense, and economic activities essential to continued economic survival and recovery.

(c) The President is authorized, if he finds it necessary in the interest of national defense and security, to direct that such telecommunications, as in his judgment may be essential, shall have precedence or priority with any carrier subject to the Communications Act of 1934, as amended. The President may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose, is authorized to issue orders directly, or through such person or persons designated for the purpose, or through the Federal Communications Commission.

(d) Federal, State, and local governments are to share the responsibility for conservation of the Nation's telecommunications resources. Although the President has responsibility for establishing national objectives, local conditions and relative urgency would determine the order and level of precedence within priorities.

(1) The achievement of survival and recovery would establish an unavoidable interdependence between and among Federal, State, and local authorities; therefore, there should be no barriers between these levels of authorities which would impede, obstruct, or otherwise hinder effective conservation and equitable allocation of resource and services to the needs of the Nation.

(2) The Federal Government will rely upon State governments and their telecommunications management organizations for management or control of intrastate carrier services and continuity of interconnectivity with interstate carriers to assure that national objectives and priorities are properly served.

(e) There will be a central authority within the Federal Government to control, coordinate, and direct the activities of the Nation's telecommunications facilities, systems, and services.

(f) Telecommunications resources of the Federal Government will be employed, as required, to best serve the continuity of government and national interests.

(g) A system of communications services priorities will be established which will facilitate early restoration of services considered vital to national interests.

(h) There will be a precedence system for the expeditious handling of telephone calls, messages, and data transmission via government and public correspondence facilites.

(i) Federal agencies will, in the development of emergency operational plans, minimize, to the extent feasible, dependence upon telecommunications services for continuity of essential operations.

§ 201.4 Responsibilities.

Executive responsibilities with respect to emergency preparedness and readiness in telecommunications matters are established and assigned as follows:

(a) The National Security Council (NSC).

(1) Coordinating the development of policy, plans, programs, and standards for the mobilization and use of the Nation's telecommunications resources in any emergency.

(2) Preparation of Presidential policy options concerning the development of the National Communications System (NCS).

(b) The Director, Office of Science and Technology Policy (OSTP).

(1) Preparation of Presidential policy options with respect to the evaluation of existing and planned communications systems to meet national security and emergency preparedness requirements in the provision of essential communications services.

2. Part 202 is added to Chapter II of Title 47 to read as set forth below:

PART 202—EMERGENCY PREPAREDNESS PLANNING AND EXECUTION

Sec.

202.0 Objectives.
202.1 Policies.
202.2 Criteria and guidance.
202.3 Plans preparation and execution.

Authority.—The provisions of this Part 202 issued under 61 Stat. 496, 63 Stat. 579 and E.O. 12046, 43 FR 13353, 50 U.S.C. 401 et seq.

§ 202.0 Objectives.

In the event of a general war and attack upon the Nation a national telecommunications services capability must exist to support critical needs and functions with respect to national security, survival, and recovery. Emergency preparedness must provide for, among other things:

(a) A radio and television broadcasting capability for the President to address the people of the Nation and for State and local authorities to inform,

instruct, and direct jurisdictional populaces in civil defense matters.

(b) A cental mechanism to control, coordinate, and direct the activities of the various telecommunications facilities, systems, and services.

(c) Emergency programs for the most efficient use of surviving telecommunications resources and plans for establishing or activating vital emergency telecommunications facilities, systems, and services with minimum delay.

(d) Procedures for management of telecommunications resources including controlled restoration of services to assure that most vital and critical services are afforded precedence.

(e) A central mechanism to guide and assist in long range planning for reconstitution of the Nation's telecommunications systems in the postattack period.

(f) Survivability of essential telecommunications feasible within the constraints of justifiable costs.

(g) A capability to accomplish rapid damage assessement and decision making with respect to residual resources.

(h) Technical compatibility of signaling methods, transmission modes, switching facilities, and terminal devices to permit interexchange of communications over the surviving media of all systems, government or commerical.

(i) Plans for succession of positions of authority throughout government and industry.

§ 202.1 Policies.

(a) The telecommunications resources of the Nation will be available for use government during a national emergency and to satisfy the needs of public welfare and safety. There will be a single point of authority within the Federal Government with respect to the alloction and use of suviving resources in support of national objectives enunciated by the President. Authority may be redelegated as necessary and when it can be exercised within boundaries established by Presidential authority.

(b) Facilities management will remain decentralized to the extent feasible to assure continued flexibility of operational response to critical needs, subject to the management direction and overriding authority of those officials delegated to act for and with the consent of the central point of authority within the Federal Government.

(1) Federally owned, leased, and/or operated telecommunications facilities, systems, and networks will be managed during an emergency by the agency normally controlling the facility, system, or network except that all operations will be subject to the management direction and authority of the officials delegated overall management responsibility for Federal Government systems.

(2) Facilities other than those of the Federal Government, with the exception of radio stations in the Aviation Services and certain classes of radio stations in the Martime Services, will be managed by the common carrier licensee or other person owning and operating such facilities, subject to Federal Communications Commission (FCC) guidance and direction or in accordance with State or local plans if an intrastate licensee.

(3) Radio stations in the Aviation Services and those aboard vessels in the Maritime Service will be subject to the control of the Secretary of Defense during a national emergency.

(c) Radio frequency utilization during a national emergency will be in accordance with authorizations, assignments, and mobilization plans in existence at the onset of the emergency subject to the overriding control of the central point of authority in the Federal Government for telecommunications matters.

(d) Radio stations are subject to closure if considered a threat to national security.

(e) Section 606 of the Communications Act of 1934, as amended, confers authority to the President in the matter of suspension of all rules and regulations pertaining to the use and operation of telecommunications facilities, public or private. That authority would be exercised only if such action were clearly required by national interest and after all reasonable alternatives had been examined and deemed inadequate.

§ 202.2 Criteria and guidance.

Emergency preparedness planning in government and industry with respect to effective conservation and use of surviving telecommunications resources in a postattack period must provide for orderly and uninhibited restoration of intercity services by the carriers and authoritative control of services allocation which will assure that precedence will be afforded the most critical needs of government and the private sector with respect to these objectives.

(a) The preservation of the integrity of characteristics and capabilities of the Nation's telecommunications systems and networks during a national emergency is of the utmost importance. This can best be accomplished by centralized policy development, planning, and broad direction. Detailed operations management will remain decentralized in order to retain flexibility in the use of individual systems in responding to the needs of national security, survival, and recovery. Each Federal agency responsible for telecommunications systems operations, and the carriers, are responsible for planning with respect to emergency operations. Guidance in this matter has been issued from a number of sources and contained in:

(1) Annex C–XI (Telecommunications), Federal Emergency Plan D (Classified).

(2) The Federal Communications Commission (FCC) Industrial Communications Emergency Plan (ICEP) Basic.

(3) The National Communications System Management Plan for Annex C–XI (Telecommunications) Federal Emergency Plan D (Classified).

(b) The continuity of essential communications services will be maintained through the use of controls and operational procedures to assure that precedence is given to vital services. Emergency preparedness with respect to telecommunications services will provide for, but is not limited to:

(1) A precedence system for public correspondence services.

(2) A circuit restoration priority system.

(3) Preemption authority.

(4) Control of access to common user networks, public and private.

(5) Allocation of private line services and channel time by competent authority.

(c) The Nation's telecommunications systems facilities are vulnerable to physical and radiological damage. Planning factors with respect to the resumption of intercity services in a postattack period must consider the probable loss of facilities which formerly provided direct and/or alternate intercity services between surviving population centers. Since surviving areas and population centers would serve as the sources of support to crippled areas of the Nation, the resumption of intercity services between and among surviving metropolitan areas will be of the highest priority with the carriers. The order of precedence of actions to effect intercity services restoration set forth in the following will not be modified except upon direction of the central point of authority in telecommunications matters.

(1) Establishment of coordination circuits between carrier offices.

(2) Restoration of multichannel intercity links.

(3) Restoration of vital private line services to government and the private sector.

(4) Reestablishment of public correspondence (toll) service to the extent that it will not interfere with essential private line services.

§ 202.3 Plans preparation and execution.

National objectives and interests with respect to security, survival, and recovery during a national emergency may subjugate proprietary interests in any telecommunications facility, system, or network. Therefore, emergency preparedness resources management planning is oriented to a perceived need for purposeful and authoritative control of surviving resources. Federal authority, substantive provisions, and functional responsibilities set forth in the planning documents identified in § 202.2, preceding, are summarized in the following:

(a) Central Federal authority with respect to telecommunications resource management has been delegated, by Executive Order, to the Director, Office of Science and Technology Policy (OSTP). In this functional role, the Director:

(1) Will prepare to exercise the emergency war powers of the President granted by Sec 606 (a), (c), and (d) of the Communications Act of 1934, as amended.

(2) Will prepare to execute, if necessary, the emergency authorities which may be delegated by the Director, Office of Defense Resources (ODR).

(3) Will report direct to the President, or his designated representive, on the status of telecommunications and provide recommendations with respect to telecommunications and national priorities.

(4) Will provide general or specific guidance to Federal agencies and State governments with respect to the use of telecommunications in civil defense and for other purposes of common interest to Federal and State governments.

(b) Performance of essential government and public services during a national emergency will require a means for communications between government and the people, communications essential to operations of elements of the national economy, and communications for national defense and civil defense purposes. The needs of the private sector and those of government should be properly coordinated to ensure that responses to each of these communities of interest, government and private sector, are appropriately balanced. For this reason, the Director, Office of Science and Technology Policy (OSTP), has delegated the responsibility for the private sector to the Chairman, Federal Communications Commission (FCC), and responsibility for the needs of government to the Executive Agent, National Communications System (NCS). A parity of level of authority of these officials is established. They will coordinate and negotiate telecommunications conflicts with respect to the allocation and use of the Nation's telecommunications resources, reporting to the Director on unresolved issues which are within the domain of their respective responsibilities and authorities.

(1) The Chairman, Federal Communications Commission (FCC), functioning within his assigned responsibilities and authorities is responsible for:

(i) The provision of services by the common carriers, broadcast facilities, and safety and special radio services of the private sector.

(ii) Assignment and control of radio frequencies to Commission licensees.

(iii) Facilities protection and reduction of vulnerability.

(iv) Maintenance and restoration of facilities.

(v) Restoration of vital and essential intercity services.

(vi) Closure of radio stations as may be directed by the Director, Office of Science and Technology Policy (OSTP).

(vii) Enforcement of pertinent law and regulations as required in the interest of national security during a national emergency.

(2) The Executive Agent, National Communications System (NCS), or the Manager, NCS, as empowered and directed and functioning within delegated responsibilities and authority, will:

(i) Develop policy, plans, and procedures with respect to the use of telecommunications resources within and by the Federal Government.

(ii) Establish rules and procedures with respect to priorities and precedence in the provision of communications services to agencies of the Federal Government.

(iii) Establish rules and procedures with respect to the control of procurement of new or additional telecommunications services from the carriers during a national emergency.

(iv) Develop, with the assistance of appropriate Federal agencies, a decentralized, regionally oriented management organization structure capable of functioning independently in support of regional Directors of the Office of Defense Resources (ODR) within the terms and guidelines for emergency management established by the Manager, National Communications System (NCS).

(v) Coordinate Federal and State government emergency preparedness telecommunications planning to assure that plannng of respective governments is mutually supportive and interrelationships and prerogatives are clearly defined.

(vi) Upon direction, implement without delay a structured system of emergency practices and procedures.

(vii) Establish and maintain control of the allocation of Federal telecommunications resources and services to the needs of the Federal Government to assure that most vital needs are afforded precedence.

(viii) In coordination with the Federal Communications Commission (FCC) assist and advise the Director, Office of Science and Technology Policy (OSTP), in the execution of emergency telecommunications management during a national emergency.

(c) Heads of other Federal agencies have related or collateral responsibilities in assisting the Director, Office of Science and Technology Policy (OSTP), in his role as the Nation's telecommunications resource manager during a national emergency.

(1) The Secretary of Commerce will assist the Director, Office of Science and Technology Policy (OSTP), in:

(i) Development of policy with respect to Federal and State government interrelationships and prerogatives regarding the continuity of interconnectivity of interstate and intrastate telecommunications systems and the control of facilities which are common to both classes of systems.

(ii) Development of policy, plans, and procedures for emergency acquistion or construction of and contracting for telecommunications facilities.

(iii) Development of emergency plans for control and allocation of frequency assignments in those parts of the electromagnetic spectrum assigned to the U.S. Government.

(2) The Secretary of Defense is responsible for development and execution of emergency plans with respect to:

(i) Control over radio facilities and stations aboard vessels in the Maritime Service and coordinating all necessary activities pertaining to other radio stations and facilities in the Maritime

Service with the Chairman, Federal Communications Commission (FCC).

(ii) Control over radio facilities and stations aboard aircraft in the Aviation Services, and coordinating all necessary activities pertaining to other radio facilities and stations in the Aviation Services with the Chairman, Federal Communications Commission (FCC).

(3) The Secretary of the Interior is responsible for development and execution of emergency plans with respect to the administration of telecommunications activities in the territorial and trusteeship areas under the jurisdiction of the United States and within the responsibility previously assigned to him by appropriate laws and other authority.

(4) All Federal agencies with responsibility for management or operation of telecommunications facilities, systems, or networks are responsible for preparation and execution of emergency operational plans which will ensure that resources under their operational control will be capable of responding to the needs of the Government and the Nation in event of a national emergency.

Dated: June 5, 1979.

Frank Press,

Director, Office of Science and Technology Policy.

[FR Doc. 79-18022 Filed 6-8-79; 8:45 am]

BILLING CODE 3170-01-M

Proposed Rules

Federal Register
Vol. 44, No. 113
Monday, June 11, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

Expansion of Detroit-Group II Terminal Control Area; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Informal Airspace Meeting #10—June 26, 1979.

SUMMARY: The Federal Aviation Administration (FAA) will hold an informal airspace meeting in Detroit, Michigan for the purpose of discussing a plan by the FAA to raise the ceiling of the Detroit Terminal Control Area (TCA) from the existing 8,000 feet AMSL to 12,500 feet AMSL. This alteration will also require expansion of the TCA upper level from 25 NM to approximately 40 NM radius of Detroit Metro Airport. Changes to the present TCA floor are also anticipated in order to accommodate the recently commissioned new Runway 3R/21L.

DATE: June 26, 1969, 7:00 p.m. Local Time.

ADDRESS: Management Conference Room, Ford World H.Q., American Road, (Corner Southfield and Michigan Avenue), Dearborn, Michigan.

For further information contact: Mr. Doyle W. Hegland, Airspace and Procedures Branch (AGL-530), Air Traffic Division, Great Lakes Region—FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone: (312) 694-4500, extension 456 or 360.

SUPPLEMENTARY INFORMATION: The purpose of this informal airspace meeting is to offer all persons likely to be affected by this alteration the opportunity to present their views, and to assist FAA in the preparation of an airspace docket that will accomplish the improved safety objectives with the least possible impact on the airspace users.

No formal minutes or transcripts will be taken. However, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed.

Raymond C. Finnen,
Chief, Airspace and Procedures Branch.

[FR Doc 79-18064 Filed 6-8-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Ch. I]

Expansion of Chicago-Group I Terminal Control Area; Meeting

AGENCY: Federal Aviation Administration (FAA).

ACTION: Informal Airspace Meeting No. 11—June 28, 1979.

SUMMARY: The Federal Aviation Administration (FAA) will hold an informal airspace meeting near Chicago, Illinois for the purpose of discussing a plan by the FAA to raise the ceiling of the Chicago Terminal Control Area (TCA) from the existing 7,000 feet AMSL to 12,500 feet AMSL. This alteration will also require expansion of the TCA upper level from 25 NM to approximately 40 NM radius of Chicago O'Hare Airport. No changes to the present TCA floor are anticipated.

DATE: June 28, 1979, 7:30 p.m. Local Time.

ADDRESS: Main Township West High School, 1755 South Wolf Road, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Doyle W. Hegland, Airspace and Procedures Branch (AGL-530), Air Traffic Division, Great Lakes Region—FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone: (312) 694-4500, extension 456 or 360.

SUPPLEMENTARY INFORMATION: The purpose of this informal airspace meeting is to offer all persons likely to be affected by this alteration the opportunity to present their views, and to assist FAA in the preparation of an airspace docket that will accomplish the improved safety objectives with the least possible impact on the airspace users.

No formal minutes or transcripts will be taken. However, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) in the event the item is formally proposed.

Raymond C. Finnen,
Chief, Airspace and Procedures Branch.

[FR Doc. 79-18065 Filed 6-8-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Ch. I]

Proposed Alteration of New York, N.Y., Terminal Control Area; Meeting

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of Informal Airspace Meetings.

DATE: June 26, 1979 and June 28, 1979 at 7:00 p.m.

ADDRESS:

August Martin High School, 156-10 Baisley Blvd, Jamaica, N.Y. 11434, June 26, 1979 at 7:00 p.m.

Woodbridge Jr. High School, Barron Avenue, Woodbridge, N.J. 07095, June 28, 1979 at 7:00 p.m.

SUMMARY: This notice announces informal airspace meeting to be held at 7:00 p.m. at August Martin High School, 156-10 Baisley Boulevard, Jamaica, New York 11434, on June 26, 1979, and Woodbridge Junior High School, Barron Avenue, Woodbridge, New Jersey 07095, on June 28, 1979, on the proposed alteration of the New York, N.Y. Terminal Control Area (TCA) Docket No. 18605-AEA-8-N.Y.

FOR FURTHER INFORMATION: Mr. Russell W. Shedd, Chief, New York Common IFR Room, Federal Aviation Administration, Hangar 11, John F. Kennedy International Airport, Jamaica, New York 11430. Telephone: 212/995-9540. Office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday.

SUPPLEMENTARY INFORMATION: These informal airspace meetings are to give interested persons a chance to submit such written data, views, or arguments as they may desire to discuss the proposed alteration of the New York, N.Y. TCA. The information obtained

from these informal airspace meetings will be given consideration during the composition of the Notice of Proposed Rule Making (NPRM). All interested individuals and groups are invited to attend but limited to space available.

Issued on: May 29, 1979.

Walter H. Mitchell,

Chief, Airspace and Procedures Branch.

[FR Doc. 79-18066 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 252]

[EDR-377A; Docket No. 29044]

Proposed Restrictions on Smoking Aboard Aircraft; Correction

June 5, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial correction of notice of proposed rulemaking.

SUMMARY: This editorial correction reflects the change made by ER-1124, May 17, 1979, which extended the application of the CAB's regulation about smoking on aircraft to air taxis operating aircraft with a passenger capacity of more than 30 seats.

DATES: Initial comments: August 20, 1979. Reply comments: September 19, 1979. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. Requests to be put on the Service List: June 11, 1979. Docket Section prepares the Service List and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 29044, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 714, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5444.

SUPPLEMENTARY INFORMATION: In EDR-377, 44 FR 29486, May 21, 1979, the Board proposed to amend its rules on smoking aboard aircraft. In that notice the Board stated that a proposed ban on cigar and pipe smoking and other smoking prohibitions conditioned on the type of aircraft (for example, banning smoking on planes with 30 or fewer seats), which had originally been proposed in EDR-306, 41 FR 44424, October 8, 1976, remained live options for final rule action. Another action, ER-1124, 44 FR 30080, May 24, 1979, expanded the applicability of Part 252 to include commuter air carriers using aircraft with a passenger capacity of more than 30 seats, as well as section 401 carriers. The reference in ER-1124, to "commuter air carriers" rather than air taxi operators was inadvertent, and will be corrected shortly in a separate editorial amendment.

The application section of the proposed rule of EDR-377 was, also inadvertently, made applicable only to section 401 certificated carriers while engaged in the transportation of persons. This editorial amendment conforms the text proposed in EDR-377 to the intent of that proposal by making it applicable to Part 298 carriers as well as certificated carriers.

This editorial correction is issued pursuant to the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Accordingly, the Civil Aeronautics Board corrects the proposal to amend 14 CFR Part 252, *Provision of Designated "No-Smoking" Areas Aboard Aircraft Operated by Certificated Air Carriers*, published as EDR-377, 44 FR 29486, May 21, 1979, by changing proposed § 252.1 to read:

§ 252.1 Applicability.

This part established rules for the smoking of tobacco aboard aircraft. It applies to each direct air carrier that holds a certificate of public convenience and necessity authorizing the transportation of persons, issued pursuant to Section 401 of the Act, and to air taxi operators that transport persons and are registered under Part 298 of this chapter. Nothing in this regulation shall be deemed to require such carrier to permit the smoking of tobacco aboard aircraft.

* * * * *

(Sec. 204(a), 404(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 766, 49 U.S.C. 1324, 1374, 1377)

By the Civil Aeronautics Board.

Gary J. Edles,

Acting General Counsel.

[FR Doc. 79-18102 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 35]

[Docket No. RM79-49]

Calculation of Cash Working Capital Allowance for Electric Utilities

June 7, 1979.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is proposing to amend its regulations under the Federal Power Act by adding a new § 35.24. The new section sets forth the methods by which a utility filing a change in rate schedule under § 35.13 must calculate the cash working capital allowance.

DATES: Written comments must be filed by July 9, 1979. Reply comments must be filed by July 24, 1979. Replies to any Commission Staff comments must be filed by August 8, 1979.

ADDRESSES: All filings should reference Docket No. RM79-49 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Michael A. Coleman, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 275-4728.

Bonnie Cord, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426 (202) 275-4285.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is proposing to add a new § 35.24 to its regulations relating to the filing of rate schedules under the Federal Power Act (18 CFR Part 35). The new section would establish the formula to be used to calculate the cash working capital allowance for electric utilities.

A. Background

Cash working capital as it relates to this rule is the amount of cash needed by an electric utility to meet its operating expenses for the period during which the utility has provided services to its customers and has not yet been paid for those services. The cash working capital allowance is the amount of cash working capital which the Commission allows a utility to include in its rate base. To determine the proper cash working capital allowance for a particular utility, the Commission must

determine the time period between the utility's payment of expenses incurred in the rendition of service and its receipt of payment for the service by its customers.

The Federal Power Commission, and now Federal Energy Regulatory Commission, has traditionally made this determination by application of the 45-day convention, the term given to the customary practice under which a utility is allowed one-eighth (one-eighth of a year equaling 45 days) of the utility's annual operation and maintenance expense minus purchased power expense as its cash working capital allowance. The rationale behind the 45-day convention is given in the earliest published Federal Power Commission decision employing the convention:

> Electric energy furnished by the company during the current month is billed to the customer as of the first of the succeeding month with a fifteen-day discount period. The full period between the dates of rendition of service and the payment was adopted as the period of lag and the working capital required for this period (exclusive of fuel and other supplies) was determined to be 45/365 of operating costs, * * *. (*Interstate Power Co.*, 2 FPC 71, 85 (1939).)

The 45-day convention is simple and inexpensive to apply; however, studies which have recently been submitted to the Commission by utilities and their customers have indicated that the 45-day convention may not accurately reflect individual utilities' actual cash working capital needs. Although at the time the convention was developed it appeared to reasonably reflect actual business practices, those practices have changed in the ensuing years (*e.g.*, computerization and other improvements in billing procedures reduce the time necessary for billing and payment). Therefore, the application of the 45-day convention under current business practices may result in utilities' including in their rate bases more working cash than actually needed to meet operating expenses, thus unfairly burdening the utilities' customers.

The Commission and its staff have investigated appropriate methods for calculation of the cash working capital allowance in light of current business practices. One possible method of making the calculation is a lead-lag study. such a study takes into account all factors relating to cash working capital and determines for each the average time between the utility's payment of expenses and its receipt of revenue from its customers. Hence, such a study, if fully developed, can provide a relatively accurate picture of a utility's cash working capital requirements. However, lead-lag studies are expensive and time-consuming to perform. Thus, the Commission has determined that requiring such a study to be performed by each utility seeking a change in rate schedule would be unduly burdensome.

In its search for a reasonably accurate, yet comparatively simple, method of calculating the cash working capital allowance, the Commission recognizes that such a method will be an approximation of the actual working cash needs of individual electric utilities. However, the establishment of a rule requiring that the allowance be calculated by such a method will avoid the necessity to litigate this issue in rate proceedings, thus eliminating a great cost to ratepayers and resulting in more timely Commission decisions. Accordingly, the Commission is herein proposing to add to its regulations a new § 35.24 which would establish a formula to calculate an allowance for cash working capital to be used by any electric utility required to file cost of service statements to accompany a filing for a change in rate schedule under § 35.13(b)(4). The Commission believes that the formula is an improvement over the 45-day convention in that it takes account of current business practices and in that it makes allowances for the differing working cash needs of individual utilities. Thus, the formula provides sufficient specificity and accuracy, while eliminating the need for parties to rate proceedings to bear the time and expense burdens associated with litigation of the working cash issue.

B. Summary of the Proposed Regulation

Paragraph (a) of new § 35.24 States the general rule for the calculation of the cash working capital allowance. Subparagraph (1) provides that if an electric utility is required to file cost of service statements to accompany a filing for a change in rate schedule under § 35.13(b)(4), then the utility must calculate the cash working capital allowance according to the formulas set forth in paragraph (c). Subparagraph (2) of paragraph (a) provides that no party to a proceeding arising from a filing for a change in rate schedule under § 35.13(b)(4) may, for purposes of that proceeding, calculate the cash working capital allowance except in accordance with the formulas under paragraph (c) as required by this section.

Subparagraph (1) of paragraph (c) states that the cash working capital allowance is the average daily uncollected revenue attributable to cash expenditures for service rendered minus the average daily unpaid amounts of cash-basis expenses incurred for the service rendered. This subparagraph sets forth the general cash working capital formula, as follows:

CWC=REV—EXP,

where CWC is the cash working capital allowance, REV is the result obtained from application of the revenue formula under subparagraph (2), and EXP is the result obtained from application of the expense formula under subparagraph (3).

Subparagraphs (2) and (3) of paragraph (c) set forth the revenue and expense formulas, as follows:

$$REV = \frac{40}{360}\left(F + L + M + AVT + RT + ITP\right), \text{ and}$$

$$EXP = \left(\frac{A}{360}\right)F + \left(\frac{10}{360}\right)L + \left(\frac{25}{360}\right)M + \left(\frac{B}{360}\right)AVT + \left(\frac{C}{360}\right)RT + \left(\frac{90}{360}\right)ITP .$$

The following discussion of the formulas is divided into three segments: (1) A general description of the formulas; (2) a discussion of the expense items that are included in the formulas and days lag applied to each expense item; and (3) a discussion of items (such as purchased power, payroll tax, depreciation, bond interest, and bank balances) that were excluded from the formulas.

1. *General description of the formulas.* The REV and EXP formulas are basically the sum of six annual expenses (F, L, M, AVT, RT, ITP), which expenses have been multiplied by that fraction of the year for which: (1) Revenue to compensate the utility for incurring each expense in the rendition of service is uncollected; and (2) each expense is unpaid. Thus, the REV formula yields an average amount of cash which is uncollected by the utility between the time it provides service to its customers and the time at which it

receives payment for that service. That amount is uncollected because utilities do not receive payment from customers simultaneously with the rendition of service.

The EXP formula yields an average amount of cash which is not needed by the utility during the time between rendition of service and payment of the expenses attributable to such service, but which would otherwise be needed to pay expenses simultaneously with the incurrence of the expenses in providing service. That amount is not immediately needed because utilities generally pay for expenses incurred in the rendition of service to their customers at dates after the incurrence of the expenses.

To ensure comparability of the formulas, the formula amounts are stated to reflect uncollected revenue and unpaid expenses from the same point in time; that is, the formulas are referenced to a common benchmark, the rendition of service by the utility, so that the resultant net effect of uncollected revenue and unpaid expenses can be calculated. Hence the dollar amount resulting from application of the REV formula minus the dollar amount resulting from the application of the EXP formula gives CWC, the average amount of cash working capital needed by the utility to pay for expenses before it receives payment from its customers. Should the utility pay for expenses after it receives payment from customers, the application of the REV and EXP formulas will result in a negative CWC amount; that is, such pattern of revenue collection and expense payment provides a source of cash working capital to the utility.

2. *Expense items included in the formula and the days lag applied to each.* The commission has analyzed working cash requirements in light of all operating expenses (not limited to operation and maintenance expenses as in the present 45-day convention) and has determined that six cash-basis expenses have a significant impact upon working cash needs. The six expenses are fossil fuel, labor, other operation and maintenance, ad valorem taxes, revenue taxes and income taxes payable. In the formulas, these expenses are annual figures for the test period (as defined in § 35.13(b)(4)(iii)) and are represented by F, L, M, AVT, RT, and ITP, respectively. As discussed above, each of these annual expense figures is multiplied by that franction of the year during which the expense is unpaid or revenue to compensate the utility for incurring the expense is uncollected.

With respect to the REV formula, since customers make one payment per billing cycle which includes payment for the six expenses in the formulas, the fraction of the year during which the revenue to compensate the utility for incurring the expenses is uncollected is the same for all six expenses, and thus each of the six annual expenses is multiplied by the same fraction. That fraction is 40/360 and is derived from the following analysis.

The fraction of the year during which revenue is uncollected, the revenue lag, is the time period from the midpoint of the serivce period to the average date of payment by the customer. "Service period" is the time interval for which the utility customarily measures the service rendered to its customers and is considered to be 30 days on the average. For purposes of analysis, the revenue lag may be broken down into three periods: rendition of service, bill preparation and bill payment. Assuming a constant rendition of electric service during a 30-day billing cycle, service is provided, on the average, 15 days prior to the end of the service period. The revenue lag, therefore, consists of this 15-day period plus allowances for bill preparation and bill payment.

In determining reasonable time periods for bill preparation and bill payment, the Commission has considered the great amount of control a utility exercises over the time taken by these two activities, by virtue of the fact that utility management determines the timing of meter readings, bill preparation and presentation, and the establishment of the date by which bills must be paid. The Commission has determined that a time allowance of 10 days for meter reading, bill preparation, and mailing is reasonable, with a 15-day period thereafter for bill payment. The Commission believes that shorter time allowances would impose difficulties on utility workload management and would be burdensome to wholesale customers; while larger time allowances, resulting in an increase in working cash requirements, are not necessary in view of billing procedure options available to a utility.

Therefore, the revenue lag is 40 days (15 days to the midpoint of the service period, plus 10 days for bill preparation, plus 15 days for bill payment). Accordingly, each annual expense in the REV formula is multiplied by 40/360.

With respect to the EXP formula, each of the six expenses must be multiplied by a different fraction, because the utility's payment pattern is different for each expense. Each expense is discussed separately below. For purposes of calculation of the cash working capital allowance, the expense lag is the time period between the date on which the utility provides service (giving rise to the expenses) and the date on which it pays the expense.

a. *Fossil fuel (F).* Due to its large share of total operating expenses, payment for fossil fuel purchases has a significant impact upon cash working capital needs. The expense lag associated with the fossil fuel expense is dependent upon billing and payment procedures employed by the fuel suppliers, with considerable variation to be anticipated, depending on such factors as quantities purchased, frequency of deliveries, available on-site storage facilities for each type of fuel used, and type of purchase (contract or spot). The expense lag is also dependent upon the fuel mix used for generating purposes, which varies from utility to utility. Accordingly, an analysis of fossil fuel purchases and payment patterns is needed for each utility in order to obtain a reasonably accurate measure of working cash needs resulting from fossil fuel purchases. Since utilities have readily available data with respect to their fuel purchases, the expense lag, A, for the fossil fuel expense is to be determined by the utility in accordance with paragraph (d) or (e) of the proposed rule, as discussed below. Thus, in the EXP formula, the annual fossil fuel expense is multiplied by the fraction A/360.

b. *Labor expenses (L).* The effect of the payment pattern for wages and salaries on cash working capital requirements is expected to vary little from utility to utility. While the actual combination of weekly, semi-monthly and monthly wage and salary payments may vary among utilities, the expense lag is not significantly different, as illustrated in the following examples. (Weekly wages are generally paid one week after the end of a pay period. Semi-monthly salaries are generally paid at mid-month and the last day of the month. Monthly salaries are usually paid on the last day of the month.)

	(1) Percent employees	(2) Expense lag	(3) Weighted expense lag [(1) × (2)]
Example 1:			
Weekly	75	10.5	7.875
Semimonthly	25	7.5	1.875
Monthly	0	15.0	0.000
Total	100		[1]9.750
Example 2:			
Weekly	60	10.5	6.30
Semimonthly	30	7.5	2.25
Monthly	10	15.0	1.50
Total	100		[1]10.05

[1] Average expense lag.

Accordingly, the Commission believes that 10 days is a reasonable expense lag for labor expense. Thus, in the EXP formula, the fraction by which the annual labor expense is to be multiplied is 10/360.

c. *Other operation and maintenance expenses (M).* Other operation and maintenance expenses includes all operation and maintenance expenses except fuel, purchased power and labor expenses. Although the other operation and maintenance expense category includes a variety of items, operation and maintenance supplies are usually the predominant expense amounts. Major maintenance tends to be seasonal, which suggests that the expense lag for the required materials and supplies should be determined for the 12-month test year, rather than on an average monthly basis. However, since the total amount of dollars in this expense category is typically less than 20% of the total of all categories, and since there is a wide variety of items other than materials and supplies in this category, the Commission believes that an expense lag of 25 days will yield a reasonable result. Twenty-five days is twice-monthly expense invoicing, resulting in a 7.5 day average lag at invoice date, plus 15 to 20 days for invoice preparation and expense payment. Therefore, in the EXP formula, the fraction by which the annual other operation and maintenance expense as multiplied is 25/360.

d. *Ad valorem taxes (AVT) and revenue taxes (RT).* Ad valorem taxes are those taxes which are based upon an assessment or valuation of property (tangible and intangible) owned by a utility (*e.g.*, property taxes). Revenue taxes are those taxes which are based upon the level of revenue earned by a utility (*e.g.*, gross receipts taxes). Ad valorem taxes are typically less than 10% of total operating expenses. Revenue taxes are applicable only in certain jurisdictions, and, where present, they are not usually a large component of operating expenses. These facts might suggest that therse taxes are not a significant consideration in cash working captial evaluation; however, tax payment schedules frequently involve lengthy lag periods, thereby giving the taxes added weight in determining average cash availability for working capital.

The payment lag for ad valorem taxes and revenue taxes fluctuates widely from utility to utility because each company is subject to localized assessments and payment schedules. Some expenses are paid in advance while others are paid at varying lagging intervals. A wide range of payment dates within an individual utility's tax items in these categories may occur due to the difference in the taxes assessed among sectors of the service territory of the utility. Therefore, in order that suitable expense lags for ad valorem and revenue taxes be calculated, the expense lag for these items is to be determined by the utility in accordance with paragraph (d) or (e) of the proposed rule, as discussed below. Thus, in the EXP formula, the annual ad valorem tax expense and the annual revenue tax expense are multiplied by the fractions B/360 and C/360, respectively.

e. *Income taxes payable (ITP).* The final expense item included in the formulas is income tax payable, which is income tax allowable under § 35.13(b)(4)(iii) (Statement J) less any deferred taxes. Income taxes payable is considered to be the appropriate amount for which working cash requirements are to be analyzed, because income tax allowable includes deferred taxes which do not require a cash outlay during the test period. Income taxes payable would include state as well as federal income taxes, because state income tax payment procedures generally reflect payment patterns for federal income taxes. It is noted that state income tax expense is a relatively small portion of total operating expenses.

A reduction in the amount of working cash allowed is necessary to reflect the availability of funds resulting from receipt of revenues earmarked for income taxes in advance of the payment of the taxes. Payments of estimated federal income taxes in the amount of 25% of the calculated estimated taxes for the year are due on the fifteenth day of the fourth, sixth, ninth and twelfth months of the current tax year. I.R.C. § 6154. However, the total of the estimated taxes paid by a utility during the current tax year may be as little as 80% of the total taxes payable for the taxable year without an underpayment penalty being assessed against the company. I.R.C. § 6655 (d) and (e). Under such a payment procedure, the remaining 20% of taxes due may be paid in equal installments on the fifteenth day of the third and sixth months following the end of the taxable year.

The Commission believes that utility companies attempt to conform their income tax payments with these latter provisions. Such a payment schedule results in the payment of 20% of total income taxes payable on each of the four estimated tax payment dates during the taxable year and the payment of 10% of the total income taxes payable on each of the two dates during the succeeding year. From such a payment schedule, illustrated in the following table, an expense lag of ninety days has been calculated.

Date paid	Percent paid	Days before year-end	Average weighted days before year-end
Month, Day, and Year:			
4 15 current	20	255	51.0
6 15 current	20	195	39.0
9 15 current	20	105	21.0
12 15 current	20	15	3.0
3 15 following	10	−75	−7.5
6 15 following	10	−165	−16.5
Total	100		90.0

(Average number of days from midpoint of each service period to year-end) − (average weighted days before year-end) = (average days lag from the midpoint of each service period):

180 − 90 = 90

Therefore, the Commission believes that a ninety-day expense lag for income taxes payable is appropriate. Accordingly, the fraction in the EXP formula by which the annual income tax payable expense is multiplied is 90/360.

3. *Items excluded from the formulas.* Several other items have been considered for inclusion in the REV and EXP formulas, but for reasons discussed below have not been included.

a. *Purchased power expense.* Historically, purchased power expense has been excluded from the calculation of a utility's working cash requirement. This exclusion has been based upon the assumption that lags in payment for purchased power transactions by the utility to the supplier of the power were equal to the lag in revenue receipt by the utility.

The purchase of electric power by one utility from another is similar in nature to receipt of electric service by wholesale customers from a utility.

Therefore, billing and payment procedures associated with purchased power transactions should conform closely to those associated with the rendition of electric service to wholesale customers. In recognizing that providing electric service and purchasing electric power and energy are but the selling and buying positions related to the exchange of a homogeneous commodity, the components of an expense lag associated with purchased power transactions (service period, bill preparation period, and bill payment period) should equal the components comprising the revenue lag assigned to the rendition of service.

Since the Commission is proposing to establish forty days as the appropriate revenue lag associated with the rendition of electric service, purchased power expense will be assigned a forty-day expense lag. The assignment of equal revenue and expense lags to purchased power expense eliminates the need to include this expense item in the formula reflecting the effects of purchased power expense on working cash needs. Therefore, the Commission is proposing to exclude purchased power expense from the cash working capital formulas.

b. *Payroll tax.* Payroll tax has not been included in the formulas because the Commission believes that this expense does not have a significant impact upon cash working capital. In addition, payroll taxes are not incurred throughout the entire year since such taxes are assessed up to certain employee income levels and, therefore, impact less upon working cash needs as the year progresses.

c. *Depreciation and amortization.* Depreciation and amortization expenses (including nuclear fuel expense Account 518), although operating expense components, represent recoveries of investments not requiring a current outlay of cash. Therefore, such items need not be included in a calculation of cash working capital requirements.

d. *Bond interest and preferred stock dividends.* The Commission considered reductions to the cash working capital allowance to reflect the availability of funds for payment of bond interest and preferred stock dividends as sources of working cash. In this connection, the Commission observes that common and preferred equity return are due the utility when service is rendered; however, the proposed rule does not provide for a cash allowance to recognize that the equity and preferred return components of revenue are not received until forty days after service is rendered. Consistent with this treatment, the proposed rule does not require the utility to utilize the interest component of return as working cash, even though the interest may not be paid to the bondholders until after the related revenue is received by the utility. Further, since as stated above both common and preferred equity return belong to the company when service is rendered, the related revenues subsequently received are not available as working cash.

e. *Minimum balances and compensating balances.* Minimum balances are bank balances which may be required to secure bank account services. The Commission does not believe that such minimum balances are properly considered to be part of cash flow requirements for day-to-day operations. If in fact a utility is required to maintain minimum bank balances under terms of written agreements, the utility may make a separate claim for a rate base allowance therefor. Such claims will be considered as they arise in cases which come before the Commission.

Compensating bank balances are balances which may be required to compensate a lending institution for extending a line of credit necessary to provide for short-term loans. The Commission has previously indicated that any need for compensating balances is more appropriately considered either in the rate of return allowance or in a decision fixing the proper accrual rate for allowance for funds used during construction. (*Carolina Power and Light Company*, Opinion No. 19, Docket No. ER76-495, issued August 2, 1978). Therefore, neither minimum balances nor compensating balances are included in the cash working capital formulas.

Calculation of Expense Lags To Be Determined by the Utility

Paragraphs (d) and (e) of the proposed rule set forth the methods for determining the expense lags for fossil fuel, ad valorem tax, and revenue tax expenses. Consistent with the method used by the Commission to derive the fixed expense lags for the other expense items included in the formulas, the determination of expense lags for fossil fuel, ad valorem tax and revenue tax expenses must be correlated with the same reference point used to determine the revenue lag for those expenses (*i.e.*, the midpoint of the service period), so that both the expense lag and the revenue lag reflect intervals from the same point in time. If this method is not applied, the net effect of the lags on the cash working capital calculation would be distorted.

Paragraph (d) provides that for goods or services received, or taxes assessed, at intervals of one service period or less, the expense lag is the weighted average of the number of days which the expense item is paid after the end of the service period, plus 15 days. The 15 days is added to the weighted average number of days calculated to express the length of the expense lag from the midpoint of the service period (the point of commonality with the revenue lag). This method for calculating the expense lag is actually a shortened and simplified version of the method described in paragraph (e) and is applicable only to items which are received continuously or at very short intervals.

Paragraph (e) sets forth the method of calculating the expense lag for goods and services received, or taxes assessed, at intervals, not necessarily uniform, greater than one service period, which therefore must be averaged over the entire test year. In this case the expense lag is the test period weighted average of the number of days before year-end that payment is made for such expense items, subtracted from 180 days. The 180 days represents the average number of days from the midpoint of each of the twelve monthly service periods to year-end. The subtraction of the weighted average number of days before year-end from 180 days relates the expense lag to the midpoint of each service period (*i.e.*, the point of commonality with the corresponding revenue lag for that period).

If Period II is the test period in accordance with § 35.13(b)(4)(iii), and if Period II data are inadequate for purposes of calculating the average days lag in payment of expenses under paragraph (d) or (e), then paragraph (f) provides that Period I data are to be used to calculate the expense lag under paragraph (d) or (e). Paragraph (f) further provides that, if Period I data are used under this paragraph, the utility must submit a statement explaining why the Period II data are inadequate for purposes of calculation under paragraph (d) or (e).

C. Waiver of the Rule

The Commission feels that the proposed formula for the cash working capital allowance provides sufficient flexibility to adequately reflect the cash working capital needs of individual utilities, and thus expects that the formula would be used in all cases. However, in order to provide for the

possibility that a particular utility or its customers may suffer undue hardship as a result of application of the formula, the Commission notes that waiver of the rule may be requested in accordance with § 1.7 of the Commission's rules of practice and procedure. The Commission specifically requests comments as to the standards that should be applied to determine if a waiver should be granted.

D. Impact of the Rule

In order to aid the Commission in determining the impact of the proposed rule on the industry, the Commission requests utilities, their customers, and other members of the public to comment on the expected impact of the rule.

Specifically, comments should indicate the estimated reduction in costs incurred by parties to a rate proceeding, which reduction would result from the elimination of the cash working capital allowance as an issue to be litigated in such a proceeding. Individual utilities are also requested to specify the amount and percentage of increase or decrease in the utility's jurisdictional rate base and revenue requirements which would result from application of the proposed rule to a recent, recorded twelve-month period, as compared to: (1) Application of the historical 45-day convention (one-eighth of operation and maintenance expenses exclusive of purchased power expenses); and (2) no cash working capital allowance. Additionally, the Commission requests that individual utilities specify the increase or decrease in administrative costs which would be incurred by the utility as a result of application of the proposed rule, as compared to: (1) The historical 45-day convention; and (2) a fully developed and reliable lead-lag study.

E. Alternative to the Proposed Rule

As an alternative to the formulas proposed in this rule and discussed above, the Commission specifically requests comments on the establishment of a cash working capital formula reflecting a fixed number of days allowance similar to the 45-day allowance historically used in the 45-day convention. Such comments should address: (1) The appropriate number of days allowance and the expense base to which such figure is to be applied; (2) the advantages and disadvantages of using a formula reflecting a fixed number of days allowance, in terms of resources dedicated to the calculation of working cash requirements; and (3) whether the distortion of cash working capital needs calculated under a fixed number of days allowance, when compared to actual working cash requirements, has a significant impact upon a utility's revenue requirement.

F. Public Comment Procedures

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 925 North Capitol Street, NE., Washington, D.C. 20426, on or before July 9, 1979. Because of the complexity and importance of the issues presented by the rulemaking, the Commission intends that those participating in this proceeding should be able to examine and reply to initial comments made in response to this notice. Such reply comments must be submitted on or before July 24, 1979. The Commission Staff may submit comments, which shall be available to the public on or before July 24, 1979. If Staff submits comments, notice will be given, and interested persons may reply to the Staff comments on or before August 8, 1979.

Each person submitting a comment should include his or her name and address, identify the notice (Docket No. RM79-49) and give reasons for any recommendations. Comments should also indicate the name, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and fourteen conformed copies should be filed with the Secretary of the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

(Federal Power Act, *as amended*, 16 U.S.C. 791, *et seq.*, Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. Part 35, Subchapter B, Chapter I of Title 18, Code of Federal Regulations, is amended in the table of contents by adding in the appropriate numerical order a new section number and heading to read as follows:

PART 35—FILING OF RATE SCHEDULES

Sec.

* * * * *

35.24 Calculation of cash working capital.

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2. Part 35, Subchapter B, Chapter I of Title 18, Code of Federal Regulations, is amended by adding a new § 35.24 to read as follows:

§ 35.24 Calculation of cash working capital.

(a) *General rule.*—(1) *In a filing for change in rate schedule.* Any electric utility which is required to file cost of service statements to accompany a filing for a change in a rate schedule under § 35.13(b)(4) must calculate the cash working capital allowance by applying the formulas under paragraph (c) of this section to the specified test period expenses submitted by the utility.

(2) *In a proceeding arising from a filing of change in rate schedule.* No party to a proceeding arising from a filing for a change in rate schedule under § 35.13(b)(4) may calculate the cash working capital allowance, for purposes of that proceeding, except in accordance with the formulas under paragraph (c) of this section as required by this section.

(b) *Definitions.* For purposes of this section:

(1) "Test period" means either Period I or Period II in accordance with the requirements of § 35.13(b)(4)(iii);

(2) "Service period" means the time interval for which the utility customarily measures the service to be rendered to its customers under the proposed rates (*e.g.*, 30 days for service rendered monthly).

(c) *Formulas.*—(1) *Cash working capital.* The cash working capital allowance is the average daily uncollected revenue attributable to cash expenditures for service rendered minus the average daily unpaid amounts of cash-basis expenses incurred for service rendered. The cash working capital allowance (CWC) is computed by subtracting the result obtained from application of the expense formula under subparagraph (3) from the result obtained from application of the revenue formula under subparagraph (2). Cash working capital is represented by the formula:

$$CWC = REV - EXP.$$

(2) *Revenue formula.* The average daily uncollected revenue attributable to cash expenditures for service rendered is one-ninth ($^{45}/_{360}$) of the sum of specified components of test period revenue (which components are

specified in the following formula), and is represented by:

$$REV = \frac{40}{360} (F + L + M + AVT + RT + ITP),$$

where

REV = the average daily uncollected revenue attributable to specified cash expenditures for service rendered,
F = test period fossil fuel expense,
L = test period wages and salaries (labor) expense,
M = test period operation and maintenance expenses other than fuel, purchased power and labor expenses,
AVT = test period ad valorem taxes,
RT = test period revenue taxes, and
ITP = test period income taxes payable (based on proposed return on rate base).

(3) *Expense formula.* The average daily unpaid amounts of cash-basis expenses incurred for service rendered is the sum of specified items of test period expense (which items are specified in the following formula), each item multiplied by the ratio to 360 days of the average time in days between rendition of electric service by the utility and payment of the expense item amounts attributable to such service, and is represented by:

$$EXP = \left(\frac{A}{360}\right)F + \left(\frac{10}{360}\right)L + \left(\frac{25}{360}\right)M + \left(\frac{B}{360}\right)AVT + \left(\frac{C}{360}\right)RT + \left(\frac{90}{360}\right)ITP,$$

where

F, L, M, AVT, RT and ITP are defined as in subparagraph (2),
EXP = the average daily unpaid amounts of specfied cash-basis expenses incurred for service rendered,
Q = average days lag in payment for fossil fuel purchases, computed in accordance with paragraph (d) or (e) of this section, whichever is appropriate,
B = average days lag in payment of ad valorem taxes, computed in accordance with paragraph (d) or (e) of this section, whichever is appropriate,
C = average days lag in payment of revenue taxes, computed in accordance with paragraph (d) or (e) of this section, whichever is appropriate.

(d) *Days lag relating to one service period.* Except as provided in paragraph (f) of this section, for goods or services received, or taxes assessed, at intervals of one service period or less, the average days lag in payment of expenses is the test period weighted average of the number of days after the end of the service in which receipt occurred or assessment was made to the date of cash disbursement in payment for such expenses, plus 15 days.

(e) *Days lag relating to more than one service period.* Except as provided in paragraph (f) of this section, for goods or services received, or taxes assessed, at intervals greater than one service period, the average days lag in payment of expense is the test period weighted average of the number of days before year-end that cash disbursement is made in payment for such expenses, subtracted from 180 days.

(f) *Days lag data.* If Period II is the test period in accordance with § 35.13(b)(4)(iii), and if Period II data are inadequate for purposes of calculating the average days lag in payment of expenses under paragraph (d) or (e) of this section, then Period I data shall be used in the calculation under paragraph (d) or (e) of this section. Any utility which calculates average days lag in payment of expenses in accordance with this paragraph shall also file with the Commission a statement giving the reasons why the Period II data are inadequate for purposes of calculation under paragraph (d) or (e) of this section.

[FR Doc 79-18042 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[24 CFR Part 1917]

[Docket No. FI-5497]

Proposed Flood Elevation Determinations for the City of Valdez, Unorganized Borough, Alaska, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Valdez, Unorganized Borough, Alaska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Pioneer Drive, Valdez, Alaska. Send comments to: Honorable L. F. MacDonald, Mayor, City of Valdez, P.O. Box 307, Valdez, Alaska 99686.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll-Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Valdez, Alaska, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lowe River	Dayville Road (100 feet) [1]	22
	Dayville Road (110 feet) [2]	27
	Pipeline Access Road (100 feet) [1]	47

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Pipeline Access Road (100 feet) [2].	53
Valdez Glacier Stream	Intersection of Mineral Creek Road and Richardson Highway.	4
	Intersection of Valdez Airport Road and Richardson Highway.	4
	Northeast Corner of Northernmost Runway At Valdez Airport.	6
	Approximately 13,000 feet northeast along New Valdez Glacier Road from its intersection with Richardson Highway.	11
Port Valdez	100 feet downstream of northern face of Dayville Road bridge over Allison Creek.	11
	Intersection of Kenicott Avenue and North Harbor Drive.	11
Robe Lake	At confluence of Robe River..	28
Robe River	Approximately 2000 feet southeast along Richardson Highway from its intersection with New Valdez Glacier Road.	2
	Southwest side of Richardson Highway, 400 feet northwest of its intersection with Dayville Road.	3

[1] Downstream from centerline.
[2] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17890 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5498]

Proposed Flood Elevation Determinations for the City of Globe, Gila County, Ariz., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Globe, Gila County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 150 North Pine Street, Globe, Arizona. Send comments to: Mr. John Burleson, City Manager, City of Globe, City Hall, 150 North Pine Street, Globe, Arizona 85501.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Globe, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the approriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly esablished Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Final Creek	Downstream of Crossing of U.S. Highway 60–70 [1].	3446
	Broad Street [1]	3432
	Cottonwood Street [1]	3513
	Jesse Hayes Street [1]	3537

[1] Centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17891 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5499]

Proposed Flood Elevation Determinations for The Town of Miami, Gila County, Ariz., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Miami, Gila County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of the town Manager, Town Hall, 500 Sullivan, Miami, Arizona. Send comments to:

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Honorable Katy Weimer, Mayor, Town of Miami, town Hall, 500 Sullivan, Miami, Arizona 85539.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Miami, Arizona, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bloody Tanks Wash....	Downstream crossing of Southern Pacific Railroad.[1]	3398
	Glass Canyon Street [1].....	3416
	Reppy Avenue [1].....	3428
	Upstream crossing of Southern Pacific Railroad (30 feet)[2].	3444

[1] At centerline.
[2] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17692 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5500]

Proposed Flood Elevation Determinations for the City of Cupertino, Santa Clara County, Calif., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cupertino, Santa Clara County, California.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Planning Department, City Hall, 10300 Torre, Cupertino, California. Send comments to: Mr. Robert Quinlan, City Manager, City of Cupertino, City Hall, 10300 Torre, Cupertino, California 95014.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cupertino, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Calabazas Creek.....	Interstate Highway 280—70 feet [1].	168
	Miller Avenue—50 feet [1].....	201
Stevens Creek.....	Homestead Road—120 feet [1]	249
	Stevens Creek Boulevard—100 feet [1].	295
	McClellan Road—50 feet [1].....	341
	Upstream Corporate Limits....	422

[1] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17693 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5501]

Proposed Flood Elevation Determinations for the City of Santa Rosa, Sonoma County, Calif., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly

Footnotes continued on next page

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Santa Rosa, Sonoma County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Santa Rosa, California. Send comments to: Mr Ken Blackman, City Manager, City of Santa Rosa, City Hall, P.O. Box 1678, Santa Rosa, California 95402.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Santa Rosa, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mount Hood Creek	Most Downstream Corporate Limits (50 feet) [1]	468
	State Route 12 (100 feet) [2]	484
	State Route 12 (50 feet) [1]	487
	Pythian Road (50 feet) [1]	522
Spring Creek	Doyle Park Drive (50 feet) [1]	175
	Franquette Avenue (200 feet) [1]	201
	Mayette Avenue (50 feet) [1]	214

[1] Upstream from centerline.
[2] Downstream from centerline.

(National flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17894 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5502]

Proposed Flood Elevation Determinations for Sonoma County, Calif., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Sonoma County, California. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Sonoma County Water Agency, 2555 Mendocino, Room 114A, Santa Rosa, California. Send comments to: Mr. Leonard Wharton, County Administrator, Sonoma County, County Administration Center, Santa Rosa, California 95401.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Sonoma County, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sonoma Creek	Sears Point Road—100 feet [1]	7
	State Route 121—50 feet [1]	12
	Watmaugh Road—50 feet [1]	43
	At confluence with Dowdall Creek	58
	Verano Avenue—150 feet [1]	88
	Agua Caliente Road—50 feet [1]	123
	Madrone Road—20 feet [1]	163

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established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Arnold Drive (upstream crossing)—50 feet [1]	224
	Warm Springs Road (upstream crossing)—100 feet [1]	315
	Lawndale Road—	
	100 feet [2]	365
	100 feet [1]	373
	State Route 12—50 feet [1]	445
Nathanson Creek	Splude Road—10 feet [2]	22
	Lovall Valley Road—50 feet [1]	112
Arroyo Seco	At confluence with Schell Creek.	12
	Napa Road—75 feet [1]	63
	East MacArthur Street—50 feet [1]	84
	Lovall Valley Road—	
	50 feet [2]	117
	50 feet [1]	123
Fowler Creek	At confluence with Rodgers Creek.	18
	Watmaugh Road—10 feet [1]	40
Rodgers Creek	At confluence with Fowler Creek.	18
	Arnold Drive (downstream crossing)—20 feet [1]	41
	Watmaugh Road—50 feet [1]	68
Champlin Creek	At confluence with Rodgers Creek.	43
	Donnell Road—50 feet [1]	85
	Petaluma Road (State Route 116)—10 feet [1]	161
Schell Creek	State Routes 12 and 121—20 feet [1]	10
	Splude Road—30 feet [1]	22
	Napa Road [2]	47
North Kenwood Creek	Mervin Avenue—20 feet [1]	401
	State Route 12—25 feet [1]	416
Austin Creek	State Highway 116—20 feet [1]	35
	Casadero Highway—	
	25 feet [2]	97
	25 feet [1]	102
	Austin Creek Road (upstream crossing)—50 feet [1]	117
	At confluence with Austin Creek.	70
Dutch Bill Creek	Fir Street—20 feet [1]	45
	Tyrone Road—50 feet [1]	53
	Westminster Woods Bridge—50 feet [1]	155
	Redwood Alliance Bridge—75 feet [1]	177
Russian River	Moscow Road—10 feet [1]	28
	Hacienda Bridge—10 feet [1]	72
	Highway 101 Bridge—10 feet [1]	89
	State Highway 128—10 feet [1]	178
	Geyserville Bridge—100 feet [1]	212
	Preston Bridge—50 feet [1]	328
Mount Hood Creek	Lawndale Road—20 feet [1]	430
	Pythian Road [2]	520
Dry Creek	Westside Road—10 feet [1]	100
Fife Creek	Laughlin Road—10 feet [1]	61
	Watson Road—50 feet [1]	74
Petaluma River	U.S. Highway 101—10 feet [1]	7
	New Corona Road—50 feet [2]	25
	Alberti Road [2]	33
San Pablo Bay	At intersection of Sears Point Road and Lakeville Road.	7
Sonoma Creek	At the intersection of Freemont Road and State Route 12.	3

[1] Upstream from centerline.

[2] Downstream from centerline.

[3] At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17895 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5503]

Proposed Flood Elevation Determinations for the City of Blountstown, Calhoun County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Blountstown, Calhoun County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 125 West Central Avenue, Blountstown, Florida. Send comments to: Mr. Dennis Kelly, City Manager, City of Blountstown, City Hall, 125 West Central Avenue, Blountstown, Florida 32424.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Blountstown, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Apalachicola River	Intersection of Ray Avenue and Palm Street.	55
Sutton Creek	State Highway 71 [1]	54
	Charley E. Johns Street (10 feet) [1]	59
Ponding	Intersection of Lambert Avenue and Church Street.	66
	50 Feet Northwest of the Intersection of State Highway 71 and Church Street.	64

[1] Centerline.

[2] Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17896 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5504]

Proposed Flood Elevation Determinations for the City of Lake Mary, Seminole County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lake Mary, Seminole County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 185 East Crystal Lake Avenue, Lake Mary, Florida.

Send comments to: Mayor Walter A. Sorenson, P.O. Box 725, Lake Mary, Florida 32746.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lake Mary, Seminole County, Florida.

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Bingham	Entire Shoreline	44
Lake Irish	Northern corporate limits	48
Sawyer Lake	Entire Shoreline	48
Island Lake	Entire Shoreline	48
Lake Marietta	Entire Shoreline	48
Lake Como	Entire Shoreline	46
Dawson Lake	Entire Shoreline	46
Crystal Lake	At Goodheart Avenue	46
Little Crystal Lake	Eastern corporate limits	45
Big Lake Mary	At Evansdale Road	45
Little Lake Mary	Eastern corporate limits	45
Lake Emma	Entire Shoreline	47
Lake 1	Entire Shoreline	46
Lake 2	Entire Shoreline	46
Lake 3	Entire Shoreline	46
Lake 4	Entire Shoreline	47
Lake 5	Entire Shoreline	47
Lake 6	Entire Shoreline	47
Lake 7	Entire Shoreline	47
Soldier Creek	Just upstream of Wagon Wheel Road.	35
	Just upstream of Wood Street.	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17867 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[24 CFR Part 1917]

[Docket No. FI-5505]

Proposed Flood Elevation Determinations for the City of Longwood, Seminole County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Longwood, Seminole County, Florida. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community..

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 175 West Warren Avenue, Longwood, Florida. Send comments to: Mayor June Lormann, City Hall, 175 West Warren Avenue, Longwood, Florida 32750

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll-Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Longwood, Seminole County, Florida.

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Wildmere	Entire shoreline	62
Fairy Lake	Entire shoreline	58
East Lake	Entire shoreline	66
West Lake	Entire shoreline	66
Lake Searcy	Entire shoreline	67
Lake Winsor	Entire shoreline	86
Mud Lake	Entire shoreline	85
Prairie Lake	Entire shoreline	85
Island Lake	Entire shoreline	85
Rock Lake	Entire shoreline	81
Lake Ruth	Entire shoreline	64
Lake Fairy Drainage Canal.	Just upstream of Marvin Avenue.	76
	Just upstream of Wildmere Avenue.	78
Canal connecting Lake Wildmere and Fairy Lake.	Just upstream of overstreet extended.	60

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17898 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5506]

Proposed Flood Elevation Determinations for the Town of Orange Park, Clay County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Orange Park, Clay County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule is a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 2042 Park Avenue, Orange Park, Florida.

Send comments to: Mayor Dennis Frick or Mr. Richard Fellows, Town Manager, 2042 Park Avenue, P.O. Box 428, Orange Park, Florida 32072.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Orange Park, Clay County, Florida.

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dubley Branch	200 feet upstream of Nelson Drive.	6
	Just downstream of Kingsley Avenue.	7
	Just upstream of Morgan Street.	9
Doctors Lake Tributary No. 1.	100 feet upstream of Dogwood Lane.	6
	100 feet upstream of SCL R.R. Bridge.	10
St. Johns River	At the southern corporate limits.	6
Johnson Slough	At U.S. 17	6
	Just upstream of Nelson Drive South.	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17899 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5507]

Proposed Flood Elevation Determinations for the City of Palm Bay, Brevard County, Fla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Palm Bay, Brevard County, Florida.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Building Department, City Hall, 175 N.W. Palm Bay Road, Palm Bay, Florida.

Send comments to: Mayor Franklin DeGroodt or Mr. Harold Butler, Director

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

of Public Works, 175 N.W. Palm Bay Road, Palm Bay, Florida 32905.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Palm Bay, Brevard County, Florida.

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Turkey Creek	Just upstream of U.S. Highway 1.	7
	Approximately 200 feet upstream of Port Malabar Boulevard.	15
	Just upstream of Interstate 95.	21
Turkey Run	Just upstream of Troutman Boulevard.	13
	Approximately 800 feet upstream of Knecht Road.	18
Indian River	Port Malabar Boulevard (extended).	7
Channel C	Approximately 250 feet east of the intersection of Port Malabar Boulevard and Pebble Beach Avenue.	24
St. John River	Krassner Drive	24
	Garvey Road	24

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegaton of authority to Federal Insurance Administrator 44 FR 20963.)

In accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17900 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5508]

Proposed Flood Elevation Determinations for the Village of Downers Grove, Du Page County, Ill., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Downers Grove, Du Page County, Illinois.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the lobby of the Village Hall, Downers Grove, Illinois.

Send comments to: Hon. Jon Council, Mayor of Downers Grove, 801 Burlington Avenue, Downers Grove, Illinois 60515.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Downers Grove, Du Page County, Illinois in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch DuPage River.	Downstream Corporate Limits.	673
	Confluence of Lacey Creek	675
	Upstream Corporate Limits	676
Prentiss Creek	Downstream Corporate Limits.	709
	Puffer Road (Upstream)	712
	Woodward Avenue (Upstream).	722
	Prentiss Drive (Upstream)	723
	Springside Avenue (Upstream).	730
	Dunham Road (Upstream)	744
St. Joseph Creek	Downstream Corporate Limits.	680
	Walnut Avenue (Upstream)	681
	Curtiss Street (Upstream)	688
	Belmont Road (Upstream)	691
	Lee Street (Upstream)	697
	Private Drive (Upstream)	697
	Jacqueline Avenue (Upstream).	698
	Brookbank Road (Upstream)	700
	Mackie Street (Upstream)	708
	Confluence of North Branch St. Joseph Creek.	708
	Blodgett Avenue (Upstream) and Hill Street.	718
	55th Street (Upstream)	718
	Fairview Avenue (Upstream)	720
	Deerpath Road (Upstream)	720
North Branch St. Joseph Creek.	Burlington Northern Railroad (Downstream).	708
	Burlington Northern Railroad (Upstream).	713
	Outlet of Culvert 375; downstream of Douglas Road (Downstream).	715
	Rogers Street (Upstream)	722
	Austin Street (Upstream)	722
	Fairview Avenue (Upstream)	723
	Hummer Park Drive (Upstream).	723
	Florence Avenue (Upstream)	726
	Upstream Corporate Limits	727

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Branch St. Joseph Creek.	Confluence with St. Joseph Creek.	718
	Fairmont Avenue (Upstream).	719
	Lyman Avenue (Upstream).....	724
	Washington Street (Upstream).	727
	Webster Avenue (Upstream)..	731
	Main Street (Upstream).....	739
	Carpenter Street (Upstream)..	746
	59th Street (Upstream).....	748
	Middaugh Street (Upstream)..	748
Lacey Creek.....	Confluence with East Branch DuPage River.	675
	Confluence of One Mile Creek.	676
	Private Drive (Upstream).....	680
	Finley Road (Upstream).....	689
	East-West Tollway (Downstream).	690
	East-West Tollway (Upstream).	692
	Downers Drive (Upstream).....	692
	Venard Road (Upstream).....	695
	Saratoga Avenue (Upstream)	697
	Highland Avenue (Upstream)..	697
	Williams College Private Road (Upstream).	697
	Fairview Avenue (Upstream Corporate Limits).	702
One Mile Creek.....	Confluence with Lacey Creek	676
	Farm Road (Upstream).....	700
	2,270' upstream of Farm Road.	738

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969) 33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17901 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5509]

Proposed Flood Elevation Determinations for the Township of Franklin, Somerset County, N.J., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Franklin, Somerset County, New Jersey.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Township Hall, 207 Berger Street, Somerset, New Jersey.

Send comments to: Honorable Charles Durand, Mayor, Township of Franklin, Township Hall, 207 Berger Street, Somerset, New Jersey 08873.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Franklin, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Raritan River.....	Corporate Limits [1].....	18
	Foot of De Mott Lane (100 feet [2]).	23
	Fieldville Dam (100 feet [2].....	30
	Calco Dam (100 feet [2].....	38
Millstone River.....	Dam upstream from confluence with Raritan River (100 feet [2])	40
	Dam at Manville Causeway (100 feet [2]).	41
	Amwell Road (100 feet [2])	44
	U.S. Geological Survey Gaging Station Weir at Blackwell Mills Causeway (100 feet [2]).	46
	Griggstown Causeway (100 feet [2]).	49
	Route 518 (100 feet [2])	52
Simonson Brook.....	Delaware and Raritan Canal (100 feet [2]).	49
	Meltern Lake Dam (100 feet [2]).	99
Tennile Run.....	Canal Road (100 feet [2]).....	47
	Butler Road (100 feet [2]).....	68

[1] At centerline.
[2] Upstream from centerline.
[3] Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17902 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5510]

Proposed Flood Elevation Determinations for the Town of Harrison, Westchester County, N.Y., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Harrison, Westchester County, New York.

These base (100-year) flood elevations are the basis for the flood plain management measures that the

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Westchester County, New York.

Send comments to: Mr. John Passidomo, Town Supervisor of Harrison, 1 Hill Side Avenue, Harrison, New York 10528.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Harrison, Westchester County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet national geodetic vertical datum
Blind Brook	Downstream Corporate Limits.	31
	Purchase Street	33
	Cross Westchester Expressway.	36
	Downstream side of Rye City Dam.	37
	Upstream side of Rye City Dam.	61
	Bowman Avenue	65
	Westchester Avenue	76
	Private Drive approximately 1,800' upstream of Westchester Avenue.	88
	Private Drive approximately 3,100' upstream of Westchester Avenue.	96
	Private Drive approximately 1,400' downstream of Westerleigh Road.	108
	Westerleigh Road	119
	Lincoln Avenue	123
	Brookside Way	126
	Confluence of Tributary A	128
	Hutchinson River Parkway downstream of confluence of Tributary B.	140
	Confluence of Tributary B	150
	Hutchinson River Parkway 2nd crossing upstream of confluence of Tributary B.	162
	Downstream side of New Blind Brook Country Club Dam.	190
	Upstream side of New Blind Brook Country Club Dam.	216
	Downstream side of Old Blind Brook Country Club Dam.	232
	Upstream side of Old Blind Brook Country Club Dam.	240
	Downstream side of Anderson Hill Road.	240
	Upstream side of Anderson Hill Road.	245
	Approximately 3,200' upstream of Anderson Hill Road.	255
	Approximately 2,000' downstream of College Road.	269
	Approximately 1,000' downstream of College Road.	291
	Downstream side of College Road.	338
	Upstream side of College Road.	348
	Lincoln Avenue	350
	Approximately 2,500' upstream of Lincoln Avenue.	367
Mamaroneck River	Downstream Corporate Limits.	32
	New England Thruway	33
	Downstream side Winfield Avenue.	37
	Upstream side Winfield Avenue.	40
	Downstream side Water Works Dam.	41
Mamaroneck River East Branch.	Confluence with Mamaroneck River.	138
	Anderson Hill Road	139
	Downstream side of Dam Spillway.	145
	Upstream side of Dam Spillway.	156
	Approximately 1,600' upstream of Dam Spillway.	167
	Approximately 2,350' upstream of.	177
	Approximately 3,400' upstream of.	187
	Approximately 3,950' upstream of.	197
	Approximately 2,800' downstream of confluence of Tributary 1.	207
	Confluence of Tributary 1	214
	Barnes Lane	222
	Downstream side of New Lake Boulevard.	227
	Upstream side of New Lake Boulevard.	235
	Old Lake Street	239
	Downstream side of Forest Lake Dam.	239
	Upstream side of forest Lake Dam.	244
	Approximately 200' upstream of Forest Lake Dam.	245
Beaver Swamp Brook Section 1.	Downstream Corporate Limits.	32
	Bradford Avenue Limits	34
	Osborn Road	35
	County Road	36
	Upstream Corporate Limits	40
Beaver Swamp Section 2.	Downstream Corporate Limits.	48
	Private Golf Course Road	51
	Downstream side of spillway	58
	Upstream side of spillway	65
	Downstream side of dam spillway.	65
	Upstream side of dam spillway.	73
	Park Drive	77
Brentwood Brook	Confluence with Beaver Swamp Brook—Section 1.	32
	Downstream side of Harrison Avenue.	38
	Upstream side of Harrison Avenue.	46
	Gleason Place	49
	Henry Avenue	54
	Halstead Avenue	59
	Holland Street	62
	New England Thruway	65
	Allen Place	67
Brentwood Brook Tributary.	Confluence with Brentwood Brook.	65
	Crystal Street	65
	Approximately 600' upstream of confluence with Brentwood Brook.	67

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimmenez,

Federal Insurance Administrator.

[FR Doc. 79-17903 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5511]

Proposed Flood Elevation Determinations for Gaston County, N.C., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR

Footnotes continued on next page

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Gaston County, North Carolina.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program, (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at County Courthouse, Gastonia, North Carolina.

Send comments to: Mr. David Huncher, County Manager, Gaston County, P.O. Box 1578, Gastonia, North Carolina 28052.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Gaston County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Catawba Creek	North Carolina State Route 2439 (100 feet) [1]	615
	At Confluence with Forest Brook Branch.	627
Crowders Creek	North Carolina State Route 1307 (75 feet) [1]	692
Curtis Branch	At Confluence with South Fork Catawba River.	570
	North Carolina State Route 2539 (20 feet) [1]	615
	Julia Avenue (20 feet) [1]	636
	North Carolina State Route 2636 [2]	660
Duharts Creek	North Carolina State Route 2209 (50 feet) [1]	614
	North Carolina State Route 2439 (75 feet) [1]	649
Dutchmans Creek	At Mount Holly corporate limits (100 feet) [1]	592
Fites Creek	North Carolina State Route 2041 (10 feet) [1]	620
	North Carolina State Route 2040 (50 feet) [1]	634
Forest Branch Brook	North Carolina State Route 2445 (70 feet) [1]	631
	North Carolina State Route 2445 (10 feet) [1]	636
	North Carolina State Route 2444 (20 feet) [1]	676
	Dam (20 feet) [3]	715
	Dam (20 feet) [1]	726
	North Carolina State Route 2719 (10 feet) [1]	783
	North Carolina State Route 2732 (10 feet) [1]	810
Kitty's Branch	Southern Railway (100 feet) [3]	572
	Southern Railway (10 feet) [1]	588
Little Long Creek	At confluence with Long Creek.	651
	North Carolina State Route 275 (50 feet) [1]	688
	North Carolina State Route 1001 [2]	719
	U.S. Highway 321 (50 feet) [1]	729
Long Creek	North Carolina State Route 2003, (20 feet) [1]	648
	North Carolina State Route 275 (50 feet) [1]	702
	North Carolina State Route 1448 (50 feet) [1]	746
	North Carolina State Route 1443 (10 feet) [1]	768
	North Carolina State Route 274 (10 feet) [1]	773
Nancy Hanks Branch	Southern Railway (140 feet) [3]	572
	Southern Railway (100 feet) [1]	580
Smyre Tributary	North Carolina State Route 2230 (50 feet) [3]	724
	North Carolina State Route 2230 (50 feet) [1]	732
	At Limit of Detailed Study	743
South Fork Catawba Creek	Lower Armstrong Bridge [2]	570
	Seaboard Coast Line Railway [2]	599
	North Carolina State Route 275 [2]	656
	North Carolina State Route 1607 [2]	677
	Confluence with Beaverdam Creek.	716
Stowe Branch	Southern Railway (100 feet) [3]	572
	Southern Railway (10 feet) [1]	578
	Stowe Thread Road [1]	595
Stowe Tributary	Confluence with Stowe Branch.	579
	At Belmont Corporate Limits	631

[1] Upstream from centerline.
[2] Centerline.
[3] Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17904 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5512]

Proposed Flood Elevation Determinations for the City of Athens, Athens County, Ohio, Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Athens, Athens County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, East Washington Street, Athens, Ohio.

Send comments to: The Honorable Donald Barrett, Mayor, City of Athens, City Building, East Washington Street, Athens, Ohio 45701.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Footnotes continued from last page
41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

notice of the proposed determination of base (100-year) flood elevations for the City of Athens, Athens County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hocking River	At downstream corporate limits.	635
	Just upstream of Stimson Avenue.	640
	About 790 feet downstream of Whites Mill Dam.	643
	Just upstream of Whites Mill Dam.	646
	Just upstream of State Route 56.	648
	About 250 feet upstream of Margaret Creek.	650
	Just downstream of Chessie System.	652
	About 1,000 feet upstream of Chessie System.	656
	At upstream corporate limits.	658
Coates Run	At barricaded bridge (Unnamed Road).	641
	About 600 feet upstream of U.S. Route 33 which is located about 1,200 feet upstream of State Route 682.	645
	Just upstream of footbridge located about 370 feet downstream of Carriage Hill Drive.	651
	Just upstream of Unnamed Road located 3,500 feet upstream of State Route 682.	655
	About 1,200 feet downstream of U.S. Route 33 which is located about 5,600 feet upstream of State Route 682.	660
	About 870 feet downstream of U.S. Route 33 which is located about 5,600 feet upstream of State Route 682.	665
	About 380 feet downstream of U.S. Route 33 which is located about 5,600 feet upstream of State Route 682.	670
	About 150 feet upstream of Pomeroy Road (U.S. Route 33).	678

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17905 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5513]

Proposed Flood Elevation Determinations for the City of Del City, Oklahoma County, Okla., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Del City, Oklahoma County, Oklahoma.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Office of the City Planner, City Hall, 4517 S.E. 29th Street, Del City, Oklahoma 73115.

Send comments to: Mayor James H. Nolen or Mr. Gene Holmes, City Planner, City Hall, 4517 S.E. 29th Street, Del City, Oklahoma 73115.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Del City, Oklahoma County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crutcho Creek Tributary A.	Approximately 50 feet upstream of S.E. 20th Street	1192
Crutcho Creek Tributary B.	Just downstream of S.E. 29th Street	1205
	Just downstream of Woodview Drive.	1211
Crutcho Creek	Just downstream of Sooner Road	1171
	Just downstream of Vickie Drive	1178
	Just downstream of S.E. 15th Street	1190
North Canadian River	Just downstream of N.E. 10th Street	1162
	Just upstream of N.E. 4th Street	1166
Crooked Oak Creek	Just upstream of Reno Avenue	1172
	Grand Boulevard	1187

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cherry Creek	Just upstream of N.E. 4th Street.	1167
	Just upstream of Reno Avenue.	1176
	Just upstream of Del Road	1208
	Just upstream of Royalwood Circle.	1221
Branch Creek	Just upstream of St. Louis-San Francisco Railroad Yard.	1168
	Just upstream of Reno Avenue.	1181

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17906 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5514]

Proposed Flood Elevation Determinations for the Township of Liverpool, Perry County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Liverpool, Perry County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Buffalo Township Municipal Building.

Send comments to: Mr. M. E. Brookhart, Township Secretary of Liverpool, R.D. 1, Box 44, Liverpool, Pennsylvania 17045.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Liverpool, Perry County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River	Downstream Corporate Limits.	395
	Upstream Corporate Limits	406
Bargers Run	Downstream Corporate Limits.	407
	Private Drive	420
	L. R. 50023	443
	Abandoned Road	443
	Private Drive	453
	Township Route 542	468
	Downstream Private Drive	476
	Upstream Private Drive	482
	Private Drive	484
	Private Drive	491
	Private Drive (Downstream)	497
	L.R. 50046	508
	L.R. 50001	510
	1,400 feet upstream of the intersection of L.R. 50001 and Township Route 515.	525
Pfoutz Run	Downstream Corporate Limits.	419
	State Route 17 (Upstream)	433
	Old State Route 17 (Upstream).	472
	L.R. 50003 (Upstream)	478
	Private Drive (Upstream)	500
	600 feet upstream of the intersection of Route 17 and PA Route 235.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17907 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5515]

Proposed Flood Elevation Determinations for the Township of West Hanover, Dauphin County, Pa., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of West Hanover, Dauphin County, Pennsylvania.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

[1] The functions of the Federal Insurance Administration Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, West Hanover, Pennsylvania.

Send comments to: Mr. Robert Landon, Chairman of the Township, of West Hanover, 7171 Allentown Boulevard, Harrisburg, Pennsylvania 17112.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of West Hanover, Dauphin County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	State Route 39 (Upstream Side).	432
	Piketown Road (Upstream Side).	427
	Blueridge Avenue (Upstream Side).	415
	Jonestown Road	402
	Devonshire Heights Road	388
Tributary A to Beaver Creek.	5,200 feet upstream of confluence with Beaver Creek.	460
	2,900 feet upstream of confluence with Beaver Creek.	448
	800 feet upstream of confluence with Beaver Creek.	434
Fishing Creek	Fishing Creek Elementary School Road (Upstream Side).	572
	State Route 443 (Upstream Side).	547
	Downstream Corporate Limits.	530
Manada Creek	Upstream Corporate Limits	496
	Downstream Corporate Limits.	494
Tributary to Manada Creek.	2,000 feet upstream of Corporate Limits.	576
	Corporate Limits	559

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17908 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5516]

Proposed Flood Elevation Determinations for the city of Charleston, Bradley County, Tenn., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA.[1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Charleston, Bradley County, Tennessee.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified or participation in the National Flood Insurance Program (NFIP).

DATES: The period for comments will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Manager's Office, City Hall, Charleston, Tennessee.

Send comments to: Mayor J. P. Walker or Mr. Steve Keesler, City Manager, City Hall, Charleston, Tennessee 37310.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Charleston, Bradley County, Tennesse, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hiwassee River	Just downstream of US Highway 11.	696
	Just downstream of County Road 4311.	699

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed Tributary to Hiwassee River.	Just downstream of Cass Street.	698
	Just downstream of Wool Street.	698
	Just downstream of Market Street.	698

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17909 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5517]

Proposed Flood Elevation Determinations for the City of Buckley, Pierce County, Wash., Under the National Flood Insurance Program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA. [1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Buckley, Pierce county, Washington.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Buckley, Washington.

Send comments to: Honorable Earl Hill, Mayor, City of Buckley, City Hall, P.O. Box D, Buckley, Washington 98321.

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 Fr 19367, April 3, 1979).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Buckley, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White River	State Route 410 (25 feet) [1]	620
	Burlington Northern Railroad [2]	631
	Puget Power Diversion Dam [2]	668

[1] Upstream From Centerline.
[2] Centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Asministrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17910 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

[24 CFR Part 1917]

[Docket No. FI-5518]

Proposed Flood Elevation Determinations for Franklin County, Wash., Under the National Flood Insurance program

AGENCY: Office of Federal Insurance and Hazard Mitigation, FEMA. [1]

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Franklin County, Washington.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood/prone areas and the proposed base (100/year) flood elevations are available for review at County Courthouse, 1014 North 4th, Pasco, Washington.

Send comments to: Mr. James Rogers, Chairman, Board of County Commissioners, Franklin County, County Courthouse, 1014 North 4th, Pasco, Washington 99302.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Franklin County, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures

[1] The functions of the Federal Insurance Administration, Department of Housing and Urban Development, were transferred to the newly established Federal Emergency Management Agency by Reorganization Plan No. 3 of 1978 (43 FR 41943, September 19, 1978) and Executive Order 12127 (44 FR 19367, April 3, 1979).

required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed based (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Esquatzel Coulee at Pasco Sump.	County Road 930*	424
	Selph Landing Road (105 feet)**.	465
	Selph Landing Road*	470
Esquatzel Coulee at Eltopia.	Eltopia-West Road (100 feet)***.	587
	Burlington Northern Railroad (25 feet) from upstream crossing***.	593
Esquatzel Coulee at Connell.	State Highway 260 (50 feet)***.	832
	Upstream corporate limits of Town of Connell.	847
Kahlotus Creek	Spokane Avenue (25 feet)***	892
	Upstream corporate limits of Town of Kahlotus.	907

*Centerline.
**Downstream From Centerline.
***Upstream From Centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: June 1, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-17911 Filed 6-8-79; 8:45 am]

BILLING CODE 4210-23-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 79-079]

Drawbridge Operation Regulations; Delaware River (Back Channel), N.J.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Consolidated Rail Corporation (CONRAIL), the Coast Guard is considering revising the operation regulation for the CONRAIL bridge across Back Channel, mile 103.2, Delaware River, Camden, New Jersey, to provide that the draw need not open. This proposal is being made because no requests have been made to open the draw for at least 15 years. This action will relieve the bridge owner of the requirement to maintain the machinery in an operable condition and of having a person available to open the draw.

DATE: Comments must be received on or before July 13, 1979.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202)-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of Chief Counsel.

Discussion of the Proposed Regulations

There are two factors that the Coast Guard feels are worthy of consideration. First is the unsubstantiated claim by the bridge owner that no openings have been made since at least 1963. The second factor is the easy availability of alternate access routes to navigation. These proposed regulations are issued to solicit comments from those who may be affected or who may have an interest in them.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.225(f)(18) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(18) Delaware River (Back Channel); CONRAIL bridge between Petty Island and Camden. The draw need not open and paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6[g][2], 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655[g][2]; 49 CFR 1.46[c][5])

Dated: June 5, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-18118 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-14-M

[33 CFR Part 117]

[CGD 79-019]

Drawbridge Operation Regulations; Greens Bayou, Tex.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Port of Houston Authority, the Coast Guard is considering establishing operation regulations for the draw of a railroad bridge across Greens Bayou, mile 2.8, scheduled to be operational by 30 June 1979, to require at least four hours notice for an opening, except for certain return trips. This is being considered because of limited activity above this bridge. This action will relieve the bridge owner of the burden of having a person available to open the draw at all times.

DATE: Comments must be received on or before July 10, 1979. ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), Eight Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr. Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Eigth Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of Chief Counsel.

Discussion of the Proposed Regulations

The Port of Houston Authority is converting the fixed bridge across Greens Bayou, mile 2.8, into a vertical lift bridge. The regulation would be implemented upon completion of the construction. The Port Terminal Railroad Association (PTRA) will provide the bridge operators. The draw will open for the passage of a vessel after four hours notice is given to PTRA. If the opening is for an upbound vessel, the bridge operator will remain on the bridge up to a maximum of three hours to provide an opening for the vessel's downbound passage. If there is more than a three-hour delay before the return passage, a new four-hour notice will be required.

Presently, two commercial facilities, which use the waterway, are located upstream of the bridge. A third facility is new to the area but may use the waterway in the future. The bridge owner has coordinated the proposed operating procedure with these companies and received no objections.

A total of 544 barge trips were made past the bridge in 1977 (latest year of record). The proposed bridge conversion is not expected to generate a significant increase in the number of vessel trips past the bridge.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.245(j)(32) immediately after § 117.245(j)(31) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of an including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

(32) Greens Bayou, Texas; Port Terminal Railroad Association, mile 2.8. The draw shall open on signal if at least four notices is given and on signal for three hours thereafter if the opening is for returning vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: May 31, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-18117 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-14-M

[33 CFR Part 164]

[CGD 77-196]

Navigation Safety Regulations

AGENCY: U.S. Coast Guard, DOT.

ACTION: Extension of comment period for proposed rules.

SUMMARY: This notice extends the deadline for comments on the proposed rules designating "confined or congested waters". The notice of proposed rulemaking was published in the Federal Register on April 16, 1979, at 44 FR 22686.

DATES: The deadline for comments has been extended from June 1, 1979, to July 1, 1979. Written comments must be received on or before this date.

ADDRESSES: Comments should be submitted to the Commandant (G-CMC/81), (CGD 77-196), U.S. Coast Guard, Washington, DC 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Office of Marine Environment and Systems (G-WLE-4/73), Room 7315, Department of Transportation, Nassif Building, Washington, DC 20590, (202) 426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written data, views or arguments. Written comments should include the docket number (CGD 77-196), the name and address of the person submitting the comments, and the specific section of the proposal to which each is addressed. All comments received will be considered before final action is taken on this proposal. No hearings are contemplated, but one or more may be held at times and places set out in a later notice in the Federal Register, if requested by a person or organization desiring to comment orally at a public hearing and raising a genuine issue.

Drafting Information

The principal persons involved in drafting this proposal are Chris Llana, Project Manager, Office of Marine Environment and Systems, and Michael Mervin, Project Attorney, Office of Chief Counsel.

Discussion of Comment Deadline Extension

The notice of proposed rulemaking designating confined or congested waters (33 CFR 164.16) in which vessels must observe certain precautionary requirements (specified in 33 CFR 164.15) was published in the Federal Register on April 16, 1979, at 44 FR 22686. The deadline for written comments was June 1, 1979.

We have received a request for an extension of this deadline from the International Shipmasters' Association of the Great Lakes. The request was made in order to give the Shipmasters' Association and the Pilots' Association sufficient time to solicit and coordinate the comments of their members.

The Coast Guard considers this to be a valid request and is therefore extending the comment deadline one month.

Dated: June 4, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-18119 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY:

[40 CFR Ch. I]

[FRL 1244-7]

Development of Standards for Uranium Mill Tailings and Report on Uranium Mining Wastes; Call for Information and Data

AGENCY: Environmental Protection Agency.

ACTION: Request for Information and Data Relevant to Development of Standards and a Report to Congress.

SUMMARY: The Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) requires EPA to promulgate standards for the protection of public health, safety, and the environment from hazards associated with residual materials ("tailings") located at inactive and active uranium mill tailings sites and depository sites for such materials. A report to Congress on the hazards of uranium mining wastes is also required. In this notice, EPA requests the public to submit information and data relevant to the development of these standards and the report on uranium mining wastes.

DATES: In order to be considered, written information should be received by July 20, 1979.

ADDRESS: Information should be submitted to Director, Criteria and Standards Division, Office of Radiation Programs (ANR-460), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley Lichtman, Office of Radiation Programs (ANR-460), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone 703-557-8927

SUPPLEMENTARY INFORMATION: Under the Uranium Mill Tailings Radiation Control Act of 1978, the Environmental Protection Agency is required to promulgate generally applicable environmental standards (Sec. 206) for:

1. Inactive uranium mill tailings sites by November 8, 1979, and
2. Active uranium mill tailings sites by May 8, 1980.

A report is due to Congress by January 1, 1980, identifying the location and potential health, safety, and environmental harzards of uranium mine wastes, together with recommendations, if any, for a program to eliminate the hazards (Sec. 114(c)).

In developing its standards for uranium mill tailings, EPA will rely primarily on existing information. Materials recently developed for the Nuclear Regulatory Commission's draft Generic Environmental Impact Statement for Uranium Mills will be major sources of general information. The studies performed for the Department of Energy of the 22 specific inactive sites named in the UMTRCA will also be very useful. Additional substantial information is available from EPA and other public agencies, and from industrial and academic sources.

A literature search is also being made to assess the hazards associated with both radioactive and nonradioactive constituents of uranium mining wastes. The major effort will be devoted to open pit and underground uranium mining. No major new evaluations of health, scientific or technological issues will be performed. Available resource material from the Nuclear Regulatory Commission, Department of Energy, Department of Interior (Bureau of Mines), EPA, and the state health agencies of uranium producing states will form the basis of this assessment.

In carrying out the provisions of UMTRCA, the Administrator of EPA has been encouraged to invite public participation (Sec. 111). Thus, the Agency invites the public and other Government agencies to contribute relevant information regarding the hazards of uranium mining and milling wastes, and the availability, effectiveness, and costs of hazard control technology.

Dated: June 6, 1979.

David G. Hawkins,

Assistant, Administrator for Air, Noise and Radiation (ANR-443).

[FR Doc. 79-18111 Filed 6-8-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1243-8]

Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan, Revision of Maricopa County Nonattainment Area Plan for Carbon Monoxide and Photochemical Oxidants

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Arizona State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor's designee. The intended effect of the revisions is to meet the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas." This Notice provides a description of the proposed SIP revisions, summarizes the Part D requirements, compares the revisions to these requirements, indentifies major issues in the proposed revisions, and suggests corrections. On April 4, 1979 (44 FR 20372) EPA published a General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas. The general preamble supplements this proposal by identifying the major considerations that will guide EPA's evaluation of the submittal. The EPA invites public comments on these revisions, the identified issues, the suggested corrections, and whether the revisions should be approved or disapproved, especially with respect to the requirements of Part D of the Clean Air Act.

DATES: Comments may be submitted on or before July 11, 1979.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Technical Branch, Regulatory Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street San Francisco CA 94105.

Copies of the Proposed Revisions/ Nonattainment Area Plan and EPA's associated Evaluation Report are contained in document file No. NAP-AZ-1 and are available for public inspection during normal business hours at the EPA Region IX Library at the above address and at the following locations:

Maricopa Association of Governments, 1820 West Washington, Phoenix AZ 85007.
Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix AZ 85007.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

New provisions of the Clean Air Act enacted in August 1977, Public Law No. 95-95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962). State and

local governments were required to develop, adopt, and submit to EPA revisions to their SIP for these designated nonattainment areas by January 1, 1979 which meet the requirements of Part D of the Clean Air Act and which provide for the attainment of the NAAQS as expeditiously as practicable.

EPA had promulgated the designations for Arizona listed in the March 3, 1978 Federal Register notice since the State did not submit its attainment status designations in time to comply with the requirements of Section 107(d) of the Clean Air Act. The March 3, 1978 notice designated Maricopa County as nonattainment for particulate matter, photochemical oxidants (ozone), and carbon monoxide. The State subsequently submitted designations on August 15, 1978, and as a result, two Federal Register notices have been published amending the attainment status designations in Arizona.

On March 19, 1979 (44 FR 16388), the carbon monoxide and photochemical oxidants (ozone) nonattainment area in Maricopa County was redesignated from a county-wide basis to the Maricopa Association of Governments' Urban Planning Area (defined by given geographical coordinates).

On April 10, 1979 (44 FR 21261), Maricopa County's previous county-wide nonattainment designation for particulate matter was revised to include only the Maricopa County Urban Planning Area. Consequently, the recent nonattainment designations described above are the areas for which EPA will evaluate Maricopa County's nonattainment area plans. More detailed information about the Arizona attainment status redesignations may be obtained from the Federal Register notices cited above.

The nonattainment area plan for particulate matter for Maricopa County has not yet been received, and will therefore, be the subject of a separate Federal Register notice.

Description of Proposed SIP Revisions

On February 23, 1979 the Governor's designee submitted the Nonattainment Area Plan for Carbon Monoxide and Photochemical Oxidants for the Maricopa County Urban Planning Area to EPA as a revision to the Arizona SIP. Preparation of the proposed SIP revision was coordinated by the Maricopa Association of Governments which was designated by the Governor as the air quality planning organization for the Maricopa County Nonattainment Area. The nonattainment area plan for the Maricopa area, addressed in this notice, consists of the following major components:

—a basic description of the nonattainment area including topography, air monitoring network, and air quality standards;
—an emission inventory identifying emission source categories and their estimated present and projected emissions;
—an identification of possible control strategies including a description and analysis of the strategies and their process of selection;
—a discussion of the specific control strategies used in the plan including their description, cost, implementation, and impact;
—a discussion of the reasonably available control measures including transportation control measures and stationary source controls;
—an identification of resources as they apply to the control strategies; and
—a discussion of public participation, intergovernmental consultation, and a description of the continuing planning process.

In addition, the Governor's designee submitted Maricopa County Air Pollution Control Rule 33, *Storage and Handling of Petroleum Products* on January 18, 1979 as an official SIP revision. This rule contains requirements for gasoline vapor recovery at service stations, gasoline bulk plants, gasoline bulk terminals, and fixed-roof storage tanks. The requirements of Rule 33 are reflected in the control strategies in the plan.

The nonattainment area plan identifies two mandatory control strategies which are necessary to attain the NAAQS. Inclusion of these strategies indicates the attainment of the carbon monoxide standard in 1982 and the 0.08 ppm photochemical oxidants (ozone) standard in 1985, and maintenance of these standards through the year 2000. These mandatory strategies are:

1. continuation of the existing vehicle inspection/maintenance program along with a strengthening of the emission inspection standards (the specific provisions of this program are described in a separate Federal Register notice concerning revisions to Arizona's inspection/maintenance program submitted to EPA on March 21, 1979); and

2. control requirements on the storage and handling of petroleum products, Rule 33 (Stage I).

3. The plan also lists Stage II vapor recovery as a mandatory control strategy to be implemented by December 31, 1982 provided a prior period of determination establishes the actual need and feasibility.

In addition, the plan discusses two voluntary control strategies, carpooling and modified work schedules, which are included on the basis that they will have a positive impact on air quality. These measures are not part of the adopted control strategy insofar as no emission reduction credit is claimed for them. The plan also discusses the basic ongoing programs of traffic system improvements, mass transit improvements, and regional development planning as parts of the plan only for purposes of projections of future transportation emissions.

Criteria for Approval

The following list summarizes the basic requirements for Nonattainment Area Plans.

1. An accurate inventory of existing emissions.

2. A provision for expeditious attainment of the standards.

3. A determination of the level of control needed to attain by 1982 and, in the case of an extension request, by 1987.

4. Adoption in legally enforceable form of all measures necessary to provide for attainment or, where adoption by 1979 is not possible, a schedule for development, adoption, submittal, and implementation of these measures.

5. Emission reduction estimates for each adopted control measure.

6. Provisions for reasonable further progress as defined in Section 171 of the Clean Air Act.

7. An identification of an emissions growth increment.

8. Provisions for annual reporting with respect to items (4) and (6) above.

9. A permit program for major new or modified sources consistent with Section 173 of the Clean Air Act.

10. An identification of and commitment to the resources necessary to carry out the plan.

11. Evidence of public, local government, and state involvement and consultation.

12. Evidence that the proposed SIP revisions were adopted by the state after reasonable notice and public hearing.

13. For carbon monoxide and photochemical oxidants (ozone), SIP revisions that provide for attainment of the primary standards later than 1982:

a. A permit program for major new or modified sources requiring an evaluation of alternative sites and

consideration of environmental and social costs.

b. In addition, in urbanized areas:

(1) An Inspection/Maintenance program or schedule for development, adoption, and implementation of such a program.

(2) A provision for implementation of reasonably available control measures for mobile sources.

(3) A commitment to establish, expand, or improve public transportation measures.

14. For photochemical oxidants (ozone) nonattainment areas requiring an extension beyond 1982, the revision must provide for adoption of legally enforceable regulations to reflect the application of reasonably available control technology (RACT) to those stationary sources for which EPA has published a Control Techniques Guideline by January, 1978 and a commitment to adopt RACT regulations for additional sources to be covered by future guidelines. For rural areas, only large sources (more than 100 tons/year potential emissions) must be so regulated.

Issues

This section discusses whether the plan elements of the Maricopa Nonattainment Area Plan for Carbon Monoxide and Photochemical Oxidants satisfy the basic criteria for approval. The paragraph numbers correspond to the preceding section, Criteria for Approval. Where a significant plan discrepancy is identified, recommendations for revision of the plan may be specified. The citations in the comments refer to Section 110, and Part D, Section 171 to 178, of the Clean Air Act, as amended.

1. *Emission Inventory.* The plan included a reasonably accurate, comprehensive and current emission inventory for hydrocarbons and carbon monoxide identifying emission source categories and present and future emissions. Stationary, mobile, and area and source estimates which comprise the inventory are primarily based on emission factors cited in EPA's "Compilation of Air Pollutant Emission Factors" (AP–42), which was available at the time the plan's inventory was developed. Although the computer program Mobile I, EPA's most recent mobile source emission factor methodology, was not available during the preparation of the inventory, subsequent updates to the inventory must include mobile source emission calculations based on Mobile I.

2. *Attainment Provision.*

Ozone

The plan addresses the national standard for photochemical oxidants of 0.08 ppm, which was superseded on February 8, 1979 (44 FR 8202) by the promulgation of a revised standard for ozone of 0.12 ppm. This revision to the standard may provide the opportunity to amend the plan, including changes in the control tactics and the attainment date. The design value used in the plan for control strategy evaluation is acceptable. However, in the future, should the State decide to revise the plan with respect to the new ozone standard of 0.12 ppm, the design value must be reevaluated by statistical methods (40 CFR 50, Appendix H; 44 FR 8220). Upon receipt of an official SIP revision, EPA will consider the proposed changes. The present plan indicates attainment of the oxidant (ozone) standard by 1985 through a control strategy consisting of vehicular inspection/maintenance, gasoline vapor recovery regulations, voluntary carpooling and voluntary modified work schedules. The plan does not include adequate justification for an extension beyond the 1982 deadline since no demonstration has been provided that the 0.08 ppm oxidant (ozone) standard cannot be achieved despite the expeditious implementation of reasonably available control measures.

Carbon Monoxide

The plan provides for the attainment of the carbon monoxide standards by 1982 through reductions in emissions relying primarily on the inspection/maintenance control tactic. For purposes of this demonstration the more stringent 8-hour standard was used.

3. *Level of Control/Modeling.*

Ozone

The reductions needed to reach attainment status have been calculated by linear rollback modeling. The rollback model is an acceptable technique for the evaluation of control strategies necessary to demonstrate attainment of the ozone NAAQS for the January 1979 SIP revision.

Carbon Monoxide

The calibrated APRAC model, which conforms to EPA guidelines in essential respects, was used to project future air quality with current rules and regulations and to estimate area-wide allowable carbon monoxide emissions. A modified rollback analysis was then used to evaluate which control tactics would achieve attainment. The Maricopa County modified rollback analysis is considered a reasonable modeling technique for the evaluation of control strategies necessary to demonstrate attainment of the carbon monoxide NAAQS for the January 1979 SIP revision. However, spatial and temporal differences in emissions cannot be accounted for with this type of analysis. A validated APRAC model with updated emission factors should be used to re-evaluate the adopted control tactics contained in the plan and the results addressed in the next annual update. The localized carbon monoxide levels associated with the annual State Fair should continue to be assessed. If future ambient monitoring in the planning area does not show that air quality values are reduced in proportion to emission reductions that should occur as a result of the existing control strategy, it will be necessary to perform a "hot spot" analysis for those monitoring sites in future SIP revisions.

4. *Legally Adopted Measures/ Schedules.*

Ozone

The SIP revision does not indicate that all necessary control measures have been adopted at the State or local level, as required by Sections 172(b)(2), 172(b)(8), and 172(b)(10). Specifically, the plan fails to show adoption of legally enforceable regulations that provide for reasonably available control technology. Schedules and commitments for analysis, development, adoption, submittal, and implementation of reasonably available transportation control measures must also be provided.

As described under criteria 6 and 13 below, the plan must include adopted legally enforceable regulations reflecting reasonably available control technology for all stationary source categories for which EPA has published a Control Techniques Guideline (CTG) document by January, 1978 (Category I). Transportation measures which account for necessary hydrocarbon emission reductions must be supported by evidence that agencies with transportation planning and implementing authority have (1) adopted an emissions reduction target for the transportation sector, and (2) clearly acknowledged and accepted responsibility for the implementation of the transportation control measures presented in and to be added to the plan on a schedule consistent with the requirements of reasonable further progress.

Carbon Monoxide

The SIP revision indicates that all necessary control measures have been adopted at the State or local level, as

required by Sections 172(b)(2), 172(b)(8), and 172(b)(10). The State has an existing inspection/maintenance program which is the primary control tactic for the control of carbon monoxide emissions. The State submitted amended inspection/maintenance regulations on March 21, 1979 as an SIP revision. This revision strengthens the program by increasing the stringency factor for motor vehicle emissions inspection. The March 21, 1979 SIP revision will be the subject of a separate Notice of Proposed Rulemaking.

5. *Emission Reduction Estimates.* The State used acceptable techniques for deriving the area, stationary, and mobile source emission reduction estimates. It is recognized that reduction estimates may change as measures are more fully analyzed and implemented. As such estimates change, appropriate responses will be required to insure that the plan remains adequate to provide for attainment and for reasonable further progress.

6. *Reasonable Further Progress.* The showing of planned emission reductions for hydrocarbons (ozone precursor) and carbon monoxide appears to be consistent with the requirements of Section 172(b)(3) and the definition of reasonable further progess in Section 171(1). The schedule represents regular incremental reductions needed for attainment of the carbon monoxide standard by 1982. The schedule represents regular incremental reductions needed for attainment of 0.08 oxidant standard by 1985 with the application of control regulations on four of the Category I CTG stationary source categories. However, as described in criteria 13 below, RACT regulations must be adopted for an additional five stationary source categories of volatile organic compounds (VOC). These additional stationary source regulations are necessary to insure expeditious ozone standard attainment and must be submitted as SIP revisions. The schedule should be supported and further quantified by estimated emission reductions from the implementation of regulations for all applicable Category I CTG categories.

7. *Emissions Growth.* The adopted plan does not provide an emission growth increment for the construction or modification of new major stationary sources. The provisions of Section 172(b)(5) would be satisfied when EPA receives and approves regulations from the State and Maricopa County requiring emissions offsets and/or conformity with an identified emission growth increment.

8. *Annual Reporting.* The plan contains a commitment to submit annual reports of reasonable further progress, including an updated emission inventory. These reports are to be supplemented by interim progress reports every six months to identify the status of the air quality-related transportation programs. This commitment should be further supplemented by additional specific commitments from all participating agencies to develop and describe in the SIP:

(1) procedures for determination of conformity between transportation programs and projects and the SIP;

(2) programs to monitor and report on actual field effectiveness of each transportation control measure for which emission reduction credit is claimed in the control strategy.

9. *Permit Program.* The plan does not contain regulations for a preconstruction review permit program for major new or modified stationary sources conforming to the provisions of Section 173. Due to the State jurisdictional provisions both the State and Maricopa County must submit regulations for a permit program satisfying the Part D provisions.

10. *Resources.* The plan identifies the financial and manpower resources necessary for plan implementation and provides commitments on the part of all implementing agencies in fulfillment of Sections 110(a)(2)(F) and 172(b)(7).

11. *Public and Government Involvement.* The plan provides evidence of public, local government, and State involvement and consultation in the planning process, and includes a summary of public comments. In addition, the plan identifies air quality, health, welfare, economic, energy, and social effects of the plan provisions. The plan also documents the process used in designating responsible entities for preparing and implementing the revised SIP. All requirements of Section 172(b)(9) appear to be satisfied.

12. *Public Hearing.* The plan conforms to Section 172(b)(1) and 40 CFR 51.4 since it includes evidence that the SIP was adopted by the State after reasonable notice and public hearing.

13. *Extension Requirements.* Since the State has requested an extension of the attainment date beyond 1982 for photochemical oxidants (ozone), the plan must meet the requirements of Section 172(b)(11)(A). Both the State and Maricopa County must submit as part of the new source review permit program a requirement for an analysis of alternative sites, sizes, processes, and controls, and a demonstration that the benefits of a major emitting facility outweigh environmental costs. Upon EPA's receipt of this regulation from the State and approval by EPA as an SIP revision, the requirements of Section 172(b)(11)(A) would be satisfied.

The plan must also include a vehicle emission control inspection and maintenance program or specific schedule for adoption and implementation of such a program. The requirement of Section 172(b)(11)(B) is satisfied by EPA's approval of an existing program on August 4, 1978 (43 FR 34470). As noted above, the State submitted additional inspection/maintenance regulations on March 21, 1979 which will be addressed in a separate Federal Register notice.

The plan identifies other measures, which are not now reasonably available, that may be necessary to provide for the attainment of the NAAQS as expeditiously as practicable. The requirements of Section 172(b)(11)(C) may be met if additional documentation is submitted specifying (1) planning activities that are expected to result in the evaluation, adoption, and implementation of these other measures; and (2) emission reductions attributable to these other measures.

The provisions of Section 110(a)(3)(D) and 110(c)(5)(B) are not met since the plan for attaining the oxidant (ozone) standard does not contain adequate commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs. These basic transportation needs must be met as expeditiously as practicable using all available Federal grants and State and local funds to implement public transportation programs. Explicit commitments and schedules must be provided by agencies with transportation planning and implementing authority to conduct the necessary studies to determine basic transportation needs in the Maricopa County ozone nonattainment area, and to develop and implement the public transportation measures necessary to meet those needs. Further commitments must be provided to use all available funding for the purpose of implementing the necessary measures to meet basic transportation needs as expeditiously as practicable.

The plan for attaining the ozone standard fails to provide adequate commitments to undertake additional comprehensive technical analysis of reasonably available transportation control measures listed in Section 108(f).

14. *Extension Requirements for RACT.* The Nonattainment Area Plan indicates that attainment of the 0.08 ppm

oxidant standard is not possible by December, 1982. Therefore, the plan must contain adopted, legally enforceable regulations which reflect the application of reasonably available control technology (RACT) for those stationary source categories which exist within the Maricopa County Urban Planning Area for which EPA has published a CTG document by January, 1978. In addition, a commitment to adopt RACT regulations for source categories to be covered by future CTG documents, must be made. The revision of the NAAQS for ozone may provide the opportunity to show attainment of the standard by December 31, 1982. Upon EPA's receipt and approval of an SIP revision making such a demonstration and using rollback modeling, the RACT requirements would only be required for major stationary sources.

The plan submitted by the State indicates that, of the eleven source categories for which adopted regulations are required, only nine exist in the nonattainment area (there are no petroleum refineries or manufacturers of magnet wire insulators). Jurisdiction for the control of the remaining nine source categories is shared between the Arizona Department of Health Services (ADHS) and the Maricopa County Bureau of Air Pollution Control.

Maricopa County Bureau of Air Pollution Control regulations (Rule 33) for gasoline vapor recovery at service stations, gasoline bulk plants, gasoline bulk terminals, and fixed-roof tanks have been submitted to EPA (January 18, 1979) for inclusion in the SIP. These regulations appear to be approvable as revisions to the SIP, since they require an acceptable level of control for these source categories. However, those portions of Rule 33 which are not immediately effective should be revised to include compliance schedules.

ADHS regulations (R9-3-510) for fixed-roof tanks have also been submitted (January 4, 1979) for inclusion in the SIP. These regulations appear to be approvable as revisions to the SIP since they require enforceable controls considered to be RACT. Revised ADHS regulations for gasoline vapor recovery at service stations, gasoline bulk plants, and gasoline bulk terminals have been submitted for inclusion in the SIP. These regulations apply statewide to sources under State jurisdiction. These regulations do not, however, fully conform to RACT for any of these source categories. Revisions are necessary to require adequate vapor recovery systems for these three source categories if there are any such existing sources under State jurisdiction in the nonattainment area.

There is currently a Maricopa County solvent metal cleaning (degreasing) regulation that is part of the SIP. That regulation does not require controls considered to be RACT for degreasing. The regulation should be revised to also control cold cleaning, and to include expanded equipment requirements and operating procedures. Additionally, if there are any degreasing sources in the nonattainment area under State jurisdiction, the State must develop and submit an acceptable regulation for degreasing.

Neither ADHS nor Maricopa County Bureau of Air Pollution Control regulations for can coating, cutback asphalt paving, large appliance manufacturers, or metal furniture manufacturers have been developed and submitted to EPA for inclusion in the SIP. ADHS regulations are only required if there are any sources in the nonattainment area under State jurisdiction.

In addition, a commitment to adopt RACT regulations for additional source categories, to be covered by future CTG documents, must be made. EPA published an additional ten CTG's in 1978 for which regulations are required by January, 1980.

Public Comments

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove revisions to the SIP submitted by the State. The Regional Administrator hereby issues this notice setting forth the revisions described above as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office during the 30 day public comment period. Comments received will be available for public inspection at the EPA Region IX Library and at the loctions listed in the Addressees Section of this notice. EPA believes the available period for comments is adequate because:

(1) The SIP has been available for inspection and comment since May 1, 1979.

(2) EPA's notice published in the May 1, 1979 Federal Register indicated that the comment period would be 30 days; and

(3) EPA has a responsibility under the Act to take final action by July 1, 1979, if possible, on that portion of the SIP that addressess the requirements of Part D. A longer period for public comments would make that deadline difficult to meet.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether the revisions meet the requirements of Section 110 and Part D of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans. Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specilized development procedures. EPA labels these other regulations "specialzed." EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

Authority: Sections 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: May 11, 1979.

Paul De Falco, Jr.,

Regional Administrator.

[FR Doc. 79-18116 Filed 6-8-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1244-4]

State Implementation Plan; Notice of Receipt, Delaware

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of State Implementation Plan.

SUMMARY: On March 3, 1978 (43 FR 8962 (1978)), September 11, 1978 (43 FR 40412 (1978)), and September 12, 1978 (43 FR 40502 (1978)), pursuant to the requirements of Section 107 of the Clean Air Act, as amended in 1977, EPA designated areas in each State as nonattainment with respect to the criteria air pollutants.

Part D of the Clean Air Act, as amended, required each State to revise its State Implementation Plan (SIP) to meet specific requirements in the areas designated as nonattainment. These SIP revisions were due on January 1, 1979, and must demonstrate attainment of the national ambient air quality standards as expeditiously as practicable, but no later than December 31, 1982, or in

limited instances for carbon monoxide and oxidants, no later than December 31, 1987.

ADDRESSES: On May 3, 1979, Delaware submitted a revised SIP to EPA. Interested persons are invited to inspect the revised SIP submittal at one of the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Ms. Patricia Sheridan.

Delaware Department of Natural Resources, Division of Environmental Control, Tatnall Building, 150 East Water Street, Dover, Delaware 19901, Attn: Mr. Robert French.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan 215–597–8176.

SUPPLEMENTARY INFORMATION: In Delaware, the only area designated as nonattainment is New Castle County. It is nonattainment for ozone (O_3).

Dated: May 31, 1979.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 79-16112 Filed 6-8-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1244-5]

State Implementation Plan; Notice of Receipt, Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of State Implementation Plan.

SUMMARY: On March 3, 1978 (43 FR 8962 (1978)), September 11, 1978 (43 FR 40412 (1978)), and September 12, 1978 (43 FR 40502 (1978)), pursuant to the requirements of Section 107 of the Clean Air Act, as amended in 1977, EPA designated areas in each State as nonattainment with respect to the criteria air pollutants.

Part D of the Clean Air Act, as amended, required each State to revise its State Implementation Plan (SIP) to meet specific requirements in the areas designated as nonattainment. These SIP revisions were due on January 1, 1979, and must demonstrate attainment of the national ambient air quality standards as expeditiously as practicable, but no later than December 31, 1982, or in limited instances for carbon monoxide and oxidants, no later than December 31, 1987.

All portions of the Pennsylvania SIP have been received except for the following:

1. Final transportation plans for six urban areas. (Draft presented for public hearings are available for all areas.)
2. Final revision to the plan for particulate matter for all nonattainment areas. (Draft presented for public hearing available.)
3. Final revision to the plans for particulate matter, sulfur dioxide and ozone that provides for an emission offset policy. (Draft presented for public hearing available.)
4. Final revision to the plan for particulate matter for sampling stack emissions. (Draft presented for public hearing available.)
5. Summaries of Base Year Particulate Emissions for Each Nonattainment Area. (Appendix F)
6. Summaries of Projected 1982 Particulate Emissions for Each Nonattainment Area. (Appendix H)
7. Commitment letter for I/M program in Allentown-Bethlehem-Eastern and Scranton-Wilkes-Barre.

ADDRESSES: On April 24, 1979, Pennsylvania submitted portions of a revised SIP to EPA. Interested persons are invited to inspect the revised SIP submittal at one of the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, attn: Ms. Patricia Sheridan.

Pennsylvania Department of Environmental Resources, Bureau of Air Quality & Noise Control, 200 North 3rd Street, Harrisburg, PA 17120, attn: Mr. James Hambright.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan 215–597–8176.

SUPPLEMENTARY INFORMATION: In Pennsylvania, the areas designated as nonattainment are:

	TSP		SO_2		O_3	CO	
	Pri. Std.	Sec. Std.	Pri. Std.	Sec. Std.			
Entire State					x		
Metropolitan Philadelphia Interstate AQCR							
Certain Designated Areas	x(1)		x			x	
Other Designated Areas		x(2)					
Northeast PA Interstate and South Central PA Intrastate AQCR's							
Certain Designated Areas	x						
Other Designated Areas		x(3)					
Central PA Intrastate AQCR							
Certain Designated Areas	x		x				
Other Designated Areas		x(3)		x			
Southwest PA Intrastate AQCR							
Certain Designated Areas	x		x			x	
Northwest PA Interstate AQCR							
Certain Designated Areas	x		x				

(1) Being proposed to secondary nonattainment
(2) Being proposed for some additional portions
(3) Being proposed for some portions

Dated: May 31, 1979.
William T. Wisniewski,
Acting Regional Administrator.
[FR Doc 79-18106 Filed 6-8-79; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-134; RM-3184]

FM Broadcast Station in East Wenatchee, Wash.; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to East Wenatchee, Washington, in response to a petition filed by Wenatchee Wireless Works which states that the proposes assignment would provide a first local aural broadcast service in East Wenatchee.

DATES: Comments must be filed on or before July 30, 1979, and reply comments must be filed on or before August 20, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (East Wenatchee, Washington), BC Docket No. 79-134, RM-3184.

Adopted: May 31, 1979.
Released: June 6, 1979.

1. The Commission has before it for consideration a petition for rule making[1] filed on behalf of Wenatchee Wireless Works ("petitioner"), licensee of daytime-only AM Station KUEN, Wenatchee, Washington, proposing the assignment of FM Channel 249A to East Wenatchee, Washington. The proposed channel could be assigned to the community in conformity with the minimum distance separation requirements without affecting the present assignments in the FM Table. Petitioner states that it will apply for the channel, if assigned. No opposition was filed to the proposal.

2. East Wenatchee (pop. 913), in Douglas County (pop. 16,787)[2], is located in the center of Washington State, approximately 161 kilometers (100 miles) east of Seattle. There is no local aural broadcast service in East Wenatchee. It is served by AM Stations KPQ, KUEN and KWWW, and FM Stations KPQ (Channel 271) and KIAM-FM (Channel 285A), Wenatchee, Washington, and AM Station KXLE and Station KCLE-FM (Channel 237A), Ellensburg, Washington.

3. In support of its proposal, petitioner states that East Wenatchee has had a 75% increase in population between 1970 and 1977, and is the second largest city in Douglas County. It asserts that East Wenatchee is the commercial core of a much larger area locally referred to as "Greater East Wenatchee" whose population, petitioner claims, will comprise 75% of the total population of Douglas County by 1980. The petitioner has indicated that East Wenatchee has assumed an identity uniquely its own and independent of its sister city, Wenatchee, located across the Columbia River. Petitioner points out that besides the Hanna Mining Company, the major employers in East Wenatchee are the Douglas County Public Utility District and a variety of food processing and retail concerns. It notes that the taxable sales for all industries in Douglas County in 1976 amounted to $54,693,554. Petitioner states that in a plan developed by the Douglas County Regional Planning commission, the majority of commercial development is for the city of East Wenatchee, and adds that the decreasing availability of land on the Wenatchee side of the Columbia River promises an additional incentive to commercial growth in East Wenatchee. Petitioner asserts that since there is no local aural broadcast service in East Wenatchee or elsewhere in Douglas County, assignment of the proposed channel would serve an important public need by providing a first transmission service.

4. *Preclusion Considerations:* Preclusion would occur only on the co-channel. All adjacent channels are precluded by existing assignments. Seven communities[3] with populations greater than 1,000 would be precluded as a result of the proposed assignment. Of these seven, two (Wenatchee and Ellensburg) have AM and FM stations. A staff study shows that Channel 257A could be assigned to Leavenworth, Cashmere or Cle Elum. In the case of Cle Elum or Cashmere this would entail use of a site outside the community. Petitioner is requested to indicate whether alternate FM channels are available for assignment to Roslyn and West Wenatchee.

5. Since East Wenatchee is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 249A to East Wenatchee, Washington, requires coordination with the Canadian Government.

6. In light of the foregoing, and the fact that the proposed assignment could bring a first local aural broadcast service to East Wenatchee and Douglas County, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
East Wenatchee, Wash.		249A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before July 30, 1979, and reply comments on or before August 20, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

[1] Public Notice of the petition was given on August 29, 1978, Report No. 1137.

[2] Population figures are taken from the 1970 U.S. Census.

[3] *Washington:* Leavenworth (pop. 1,322), Cashmere (1,976), West Wenatchee (2,134), Wenatchee (16,912), Roslyn (1,031), Cle Elum (1,725) and Ellensburg (13,568).

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Philip L. Verveer,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, Northwest, Washington, D.C.

[FR Doc. 79-18062 Filed 6-8-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-135; RM-3290]

FM Broadcast Station in Osage, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Osage City, Kansas. The proposal was made in a petition filed by William P. Turney who states that the proposed station could be used to provide a first local aural broadcast service to the communtiy.

DATES: Comments must be filed on or before July 30, 1979, and reply comments must be filed on or before August 20, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 31, 1979.

Released: June 6, 1979.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Osage City, Kansas), BC Docket No. 79-135, RM-3290.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making was filed on December 4, 1978,[1] by William P. Turney ("petitioner"), proposing the assignment of FM Channel 224A to Osage City, Kansas, as a first FM assignment to that community.

(b) The channel can be assigned in conformity with the minimum distance separation requirements.

(c) Petitioner states he will file an application for the channel, if assigned.

2. *Community Data*—(a) *Location.* Osage City, in Osage County, is located approximately 48 kilometers (30 miles) south of Topeka, Kansas.

(b) *Population.* Osage City—2,600; Osage County—13,352.[2]

(c) *Economic Considerations.* Petitioner states that Osage City is the largest city in Osage County, deriving its main source of income from agriculture, retail business, industry and tourism. Petitioner asserts that the proposed channel could provide a number of services to Osage City and the surrounding area, such as local news and information, sports activities, farm information, and weather reports. Petitioner has submitted detailed demographic data in order to demonstrate a need for a first FM assignment in Osage City.

4. In view of the apparent need for a first local aural broadcast service in Osage City, Kansas, the Commission believes it appropriate to propose amending the FM Tabel of Assignments § 73.202(b) of the rules, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Osage City, Kansas		224A

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 30, 1979, and reply comments on or before August 20, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the mater is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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[1] Public Notice of the petition was given on January 3, 1979, Report No. 1157.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Philip L. Verveer,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 79-18083 Filed 6-8-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 90]

[PR Docket No. 79-106]

Changing the Co-Channel Mileage Separation and Frequency Loading Standard for Conventional Land Mobile Radio Systems in the Bands 806-821 and 851-866 MHz; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum.

SUMMARY: The FCC corrects its proposed rule concerning the co-channel mileage separation and frequency loading standards for conventional land mobile radios systems in the bands 806-821 and 851-866 MHz. (44 FR 31675, June 1, 1979.)

DATES: Comments must be received on or before July 2, 1979 and Reply Comments must be received on or before July 18, 1979.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lewis H. Goldman, Private Radio Bureau, Room 5120, (202) 632-6497.

In the matter of amendment of §§ 90.365 and 90.377 of the Commission's rules to change the co-channel mileage separation and frequency loading standards for conventional land mobile radio systems in the bands 806-821 and 851-866 MHz, PR Docket No. 79-106.

Released: June 5, 1979.

Paragraph 4(a)(3) of the Notice of Proposed Rule Making (FCC 79-282; Released May 23, 1979) page 31675, Federal Register of June 1, 1979, is corrected to read as follows:

(3) From 120 or 130 miles to 105 miles for stations operating on four transmitter sites on very high ground near Los Angeles, California.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-18078 Filed 6-8-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-20; Notice 11]

Federal Motor Vehicle Safety Standards: Fuel System Integrity; Plastic Fuel Tanks

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The purpose of this notice is to discuss the possible amendment of Safety Standard No. 301-75, *Fuel System Integrity*, to include performance requirements related directly to non-metallic fuel tanks. The notice is based on a petition for rulemaking submitted by Ford Motor Company to amend the standard to incorporate the essence of the performance requirements for plastic fuel tanks of the Economic Commission for Europe regulations. The Ford petition stated that there should be a generally accepted criteria for non-metallic fuel tanks prior to their large-scale product application. This notice discusses possible requirements to ensure the integrity of non-metallic fuel tanks, particularly when exposed to external fire sources, and seeks public comments on the merits of such requirements.

DATES: Comment closing date: September 11, 1979. Deadline for filing applications for financial assistance: July 11, 1979.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Applications for financial assistance should be submitted in writing to: Ms. Jeannette Feldman, Public Affairs and Consumer Participation, Room 5442, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-0670).

FOR FURTHER INFORMATION CONTACT: Robert Williams, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Ford Motor Company has petitioned for Safety Standard No. 301-75, *Fuel System Integrity* (49 CFR 571.301-75), to be amended to incorporate the essence of the performance requirements of the Economic Commission for Europe (ECE) Regulation No. 34, Annex 5, "Testing of Fuel Tanks Made of a Plastic Material,"

for application to passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR of 10,000 pounds or less.

Safety Standard No. 301–75 currently specifies performance requirements for fuel systems of vehicles based on dynamic crash tests and static rollover tests. Under these requirements, no part of a vehicle's entire fuel system can have fuel spillage beyond certain specified amounts. Specific performance requirements for individual components of the fuel system, such as the fuel tank, are not currently included in the standard. With the advent of high density polyethylene (plastic) fuel tanks, however, the current broad performance requirements might not be sufficient to ensure the integrity of vehicle fuel systems.

Ford's petition stated that the number of plastic fuel tanks will greatly increase in the future and that an identifiable and acceptable level of non-metallic fuel tank integrity when exposed to fires from external sources should be established. Use of plastic fuel tanks is anticipated because of fuel economy considerations and other desirable attributes of polyethylene materials. The petition listed several of these attributes: (1) impact and puncture resistance properties of high density polyethylene in tank application are excellent, (2) plastic material can be shaped to achieve maximum utilization of limited space within complex underbody surface contours, and (3) the weight savings achievable by the use of plastic fuel tanks is significant. Additionally, plastic fuel tanks would eliminate the problems of rust often associated with metallic tanks.

The greatest problem with non-metallics such as fiberglass or high density polyethylene is the fact that these materials will burn. In fact, most formulations of these materials will soften and melt prior to or upon ignition. At that point, the contents of the gas tank would be spilled. In contrast, gasoline is often recovered in substantial quantities from metallic fuel tanks of vehicles that have been totally consumed by fire. Thus, although plastic tanks may possibly perform as well or better than metallic tanks in terms of puncture resistance in crash situations, there are potential hazards associated with plastic tanks that are not associated with metallic tanks. Specifically, non-metallic tanks may be particularly vulnerable to fires fed by sources external to the vehicle. The Current requirements of Safety Standard No. 301–75 may not adequately address this problem.

Two organizations, the Fire Marshall's Association of North America and the Institutional and Municipal Parking Congress, have voiced concerns about the possible problems associated with plastic fuel tanks. Of primary concern is the possibility of a fire "holocaust" that could result from a small incidental fire in a densely occupied parking building through the "domino effect" of many vehicles equipped with non-metallic fuel tanks that could not withstand external fire exposure. Also, there is concern that the proximity of heat sources such as catalytic converters or exhaust pipes could melt or deform plastic tanks, either directly or through conductance of other metal parts such as bolts or straps.

Ford's petition requests that ECE Regulation 34, Annex 5, be incorporated in Standard No. 301–75. That regulation requires an open flame test which exposes non-metallic fuel tanks to two minutes of continuous flame and heat. During that time, the fuel in the tank must be retained there. The ECE test utilizes a shallow-sided fire pan that simulates the manner spilled fuel might burn beneath an automobile. Additionally, the regulation includes tests for impact and puncture resistance, mechanical strength, fuel permeability, resistance to fuel, and resistance to high temperatures. The Ford petition stated that current technology is available to satisfy all the ECE requirements.

Ford has verified the properties of high density polyethylene tanks to resist impacts and puncutures, both in engineering laboratory tests and in crash tests under the procedures of Standard No. 301–75. These laboratory tests included the test specifications in ECE Regulation No. 34. (A copy of Ford's summary of its investigation and a copy of ECE Regulation No. 34, Annex 5, have been placed in the NHTSA docket.)

Federal Motor Carrier Safety Regulations (FMCSR), governing vehicles engaged in interstate or foreign commerce, currently include a safety venting system test for vehicle fuel tanks (49 CFR 393.67(d)). Unlike the broad fuel system integrity performance requirements of Safety Standard No. 301–75, the FMCS regulation includes an open-flame venting test of the fuel tank. This safety venting system test was developed to preclude the possibility of pressure build-up and possible explosion of the large metallic fuel tanks used on heavy commercial vehicles. With this test, the fuel tank is exposed to open flames and the required safety venting system must activate to release fuel vapor pressure before the internal pressure in the tank exceeds 50 pounds per square inch. Due to the open flame requirement of the test, plastic fuel tanks are generally unable to comply since they melt or burn completely before the pressure limits specified in the standard are reached and venting occurs. In response to a petition by a manufacturer of plastic fuel tanks (Barry Plastic Industries, Inc.), the Federal Highway Administration on November 30, 1976, proposed an alternative fire resistance test for non-metallic fuel tanks (41 FR 52500). That proposed test limited the exposure of the tank to open flames to three minutes and limited the temperature to which the fuel in the tank was to be heated.

Following a review of comments and an analysis of tests conducted with plastic fuel tanks, however, that notice of proposed rulemaking was withdrawn on January 26, 1978. The agency determined that the proposed performance requirements were not sufficient to ensure an adequate level of safety to occupants of commercial vehicles equipped with non-metallic tanks. The withdrawal notice cited tests conducted by the Industrial Testing Laboratory in which two plastic fuel tanks totally burned and released their fuel contents in less than 2½ minutes after exposure to open flames. The agency also noted that ECE Regulation No. 34 imposes higher performance requirements for non-metallic fuel tanks than those specified in the FMCS proposal, but added that even Regulation 34 does not go far enough in the area of fire resistance to assure a level of safety equivalent to that now afforded by commercial fuel tanks complying with FMCS Regulation § 393.67. As noted earlier, the ECE regulation requires a 2-minute flame test. The agency did note that the ECE regulation is only applicable to passenger cars, and pointed out that large commercial tanks carry much more fuel and therefore pose much greater dangers.

In light of the above considerations, the agency is considering rulemaking to amend Safety Standard No. 301–75 to specify performance requirements for non-metallic fuel tanks on passenger cars and on multipurpose passenger vehicles, trucks and buses having GVWR's of 10,000 pounds or less. The agency seeks public comments concerning the merits of such rulemaking. The agency solicits technical information concerning the advantages and disadvantages of non-metallic fuel tanks and information concerning appropriate performance requirements. This notice solicits the views of all interested persons on the following specific questions relating to

the need for and nature of such new requirements:

1. What is the current population of light-weight vehicles having non-metallic fuel tanks (i.e., vehicles with GVWR's under 10,000 pounds)? What is the projected population of such vehicles in 1985? 1990?

2. What kinds of performance requirements are necessary for light-weight vehicles to ensure the integrity of non-metallic fuel tanks in crash, post crash and external fire exposure situations? Would varying performance requirements be necessary for different types of non-metallic tanks (fiberglass, high density polyethylene, etc.)? If so, explain what variations would be necessary and explain the necessity for them.

3. What data are available concerning the performance of non-metallic fuel tanks in the following areas: age hardening, stress cracking, permeability, reduced strength at high temperatures, elongation, swell, increased brittleness at low temperatures, and interaction with fuel and other chemicals?

4. Do the current performance requirements of Safety Standard No. 301–75 adequately ensure the integrity of a fuel system that includes a non-metallic fuel tank, in crash, post crash and external fire exposure situations?

5. Are the performance requirements specified in ECE Regulation 34, Annex 5, sufficient to ensure the integrity of non-metallic fuel tanks in passenger cars in crash and post crash situations and in situations of exposure to external sources of fire? Is the regulation sufficient to ensure the intergity of non-metallic tanks installed in lightweight trucks and vans (GVWR of 10,000 lbs. and under) in those situations? Are separate performance requirements needed for passenger cars and for these other light-weight vehicles, since trucks and vans generally carry more fuel than passenger cars?

6. Should a performance requirement similar to the safety venting test of FMCS Regulation 393.67(d) be incorporated in Safety Standard No. 301–75? Would the FMCS regulation be unduly stringent for passenger cars and light-weight trucks and vans?

Please note that this is an advance notice of proposed rulemaking discussing possible new requirements for Safety Standard No. 301–75. Any future rulemaking on this subject would include further notice and opportunity to comment.

Applications for Financial Assistance

NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and other Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if its participation would contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideration the novelty, complexity, and significance of the ideas advanced and the ability of the applicant to represent the interests it espouses competently. Additionally, it must be demonstrated that the applicant does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this program.

If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if justified. Compensation is to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim, but not later than 60 days after a completed claim is submitted.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address if its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by § 5.49 of the recently revised DOT regulations governing this financial assistance program (44 FR 4675; January 23, 1979). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

The engineer and lawyer primarily responsible for the development of this notice are Robert Williams and Hugh Oates, respectively.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, ad comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 119, Pub. L. 19–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on June 2, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-17379 Filed 6-5-79; 4:53 pm]

BILLING CODE 4910-59-M

[49 CFR Part 571]

[Docket No. 2-6; Notice 5]

Federal Motor Vehicle Safety Standards; Side Door Strength

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The purpose of this notice is to propose the amendment of Safety Standard No. 214, *Side Door Strength*, to allow manufacturers the option of leaving the seats in the vehicle during the tests specified in the standard. The proposed amendment is in response to a petition for rulemaking from Volvo of America Corporation, and is intended to give manufacturers broader design capabilities for improving the safety of vehicle occupants involved in side impact collisions.

DATES: Comments must be received on or before July 26, 1979. Proposed effective date: Upon publication of a final rule.

ADDRESSES: Comments should refer to the docket and notice numbers specified above and be submitted to Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William Brubaker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. (202-426-2242)

SUPPLEMENTARY INFORMATION: Safety Standard No. 214, *Side Door Strength*, (49 CFR 571.214) specifies performance requirements for the side doors of passenger cars to minimize the safety hazard caused by intrusion into the passenger compartment in a side impact accident. The standard specifies three static crush tests to measure the crush resistance of the side doors. Under the peak cursh test, a force of 7000 pounds must be applied before the vehicle door is deformed more than 18 inches inward.

Early studies concerning side impact protection demonstrated that serious and fatal injuries increase sharply as the maximum depth of penetration of the vehicle door increases, and that in fatal side collisions most occupants die from the door structures collapsing inward on them. To protect occupants from this hazard, it was determined that a strong door structure is required (in conjunction with effective restraint systems and energy-absorbing padding on the vehicle interior). Therefore, the static crush resistance tests were specified in the standard. It was also recognized at the time the standard was issued that proper seat design can also reduce the amount of intrusion of side door structures into the occupant compartment. However, the agency determined that retention of vehicle seats during the crush tests would produce a great variability in test results due to the wide variety of seat designs. Consequently, the standard specifies that vehicle seats are to be removed during the crush resistance tests so that side door strength alone can be determined.

Since the standard became effective in 1973, manufacturers have incorporated various types of beams in the outer door panels to provide crush resistance. However, last year Volvo of America Corporation petitioned the agency for rulemaking to allow manufacturers the option of leaving the seats in the vehicle during the crush resistance tests. Volvo stated that it is developing an advanced side impact protection system that incorporates the vehicle seats as an essential component. Volvo's data indicate that its system provides side impact protection that is equal to or greater than that provided by existing production designs. The Volvo design can meet high performance levels without the use of door beams if the vehicle seats are left in during testing.

The agency has determined that manufacturers should be encouraged to develop innovative designs for improving side impact protection, particularly designs that will also improve vehicle fuel economy because of reduced weight. Therefore, to allow broader design alternatives for manufacturers, this notice proposes optional compliance levels for vehicles tested with the seats remaining in the vehicle.

Though not asked for in Volvo's petition, the proposed alternative requirements would establish higher levels of crush resistance for vehicles tested with their seats. The criteria were set at levels intended to assure an equivalent of greater level of protection compared to the existing requirements. The proposed performance requirements would specify a peak crush resistance of 16,000 pounds. This specification is based on data submitted by Volvo and on tests conducted by the NHTSA involving current production models. It was determined that the seats of some current models add 4 to 5 thousand pounds of crush resistance in side impacts, and the doors themselves provide greater crush resistance than required by the standard. Thus, the 16,000-pound peak requirement will ensure that the level of crush resistance currently being obtained will not be degraded, while at the same time allowing manufacturers to develop designs using the seats as an integral part of the side impact protection system. Data concerning the performance levels specified in this notice are included in an Explanation of Rulemaking which discusses the tests conducted by the agency and other information that has been obtained. This paper has been placed in the public docket.

The agency is particularly interested in comments concerning the effect modifications to side door structures may have on vehicle integrity in frontal crashes. Specifically, information is requested concerning the effect of removing the existing types of door beams in frontal, offset collisions.

Comments are also requested concerning which seat adjustments should be specified in the proposed alternative requirements. Volvo's petition requested that the mid, horizontal seat adjustment position be specified. This proposal specifies that the vehicle is to comply with the seat located in any horizontal or vertical position to which it can be adjusted. However, the proposal should be considered as leaving this question open.

The agency's preliminary evaluation has determined that the proposed amendment would have no significant economic or environmental impact, since it would only afford manufacturers an alternative method of compliance with the standard.

The engineer and lawyer primarily responsible for the development of this notice are William Brubaker and Hugh Oates, respectively.

In consideration of the foregoing, it is proposed that Safety Standard No. 214, *Side Door Strength* (49 CFR 571.214) be amended as set forth below.

Section S3 (S3 through S3.3) would be amended to read as set forth below and the first sentence of subparagraph S4(a) would be deleted.

§ 571.214 Standard No. 214; Side door strength.

* * * * *

S3. *Requirements.* Each vehicle shall be able to meet the requirements of either, at the manufacturer's option, S3.1 or S3.2 when any of its side doors that can be used for occupant egress are tested according to S4.

S3.1 With any seats that may affect load upon or deflection of the side of the vehicle removed from the vehicle, each vehicle must be able to meet the requirements of S3.1.1 through S3.1.3.

S3.1.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.1.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than 3,500 pounds.

S3.1.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than two times the curb weight of the vehicle or 7,000 pounds, whichever is less.

S3.2 With seats installed in the vehicle, and located in any horizontal or vertical position to which they can be adjusted and at any seat back angle to which they can be adjusted, each vehicle must be able to meet the requirements of S3.2.1 through S3.2.3.

S3.2.1 *Initial Crush Resistance.* The initial crush resistance shall not be less than 2,250 pounds.

S3.2.2 *Intermediate Crush Resistance.* The intermediate crush resistance shall not be less than two times the curb weight of the vehicle or 7,000 pounds, whichever is less.

S3.2.3 *Peak Crush Resistance.* The peak crush resistance shall not be less than five times the curb weight of the vehicle or 16,000 pounds, whichever is less.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(v)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specifed items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Commenters wishing acknowledgment of receipt of their submissions by the NHTSA should enclose a self-addressed, stamped postcard, which will be marked with the date of receipt and returned immediately.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on June 2, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-17978 Filed 6-5-79; 4:58 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 113
Monday, June 11, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

AuSable Wild and Scenic River Draft Study Report and Environmental Impact Statement; Public Hearing

Notice is hereby given that three public hearings will be held on a proposal to include 91 miles of the AuSable River into the National Wild and Scenic Rivers System. The proposed river corridor lies partially within the Huron National Forest in Crawford, Oscoda and Alcona Counties, Michigan. The hearings will be held according to the following schedule:

July 18, 1979—7:30 p.m., Holiday Inn-East, 28 Street and East Beltline Intersection, Grand Rapids, Michigan.

July 19, 1979—7:30 p.m., Holiday Inn-Farmington, Interstate 96 and Grand River Road Intersection, Farmington, Michigan.

July 20, 1979—7:30 p.m., Grayling High School Auditorium, North on Old Highway 27, Grayling, Michigan.

Information about the proposal may be obtained either by writing to the Forest Supervisor, Huron-Manistee National Forests, 421 South Mitchell Street, Cadillac, Michigan 49601, or by phoning Carl F. Gebhardt, River Planner, at 616–775–2421.

Individuals and organizations may express their views by appearing at the hearings or may submit written comments for inclusion in the official record to the Forest Supervisor by August 31, 1979. Those persons wishing to present oral testimony at the hearing should notify the Forest Supervisor prior to July 11, 1979.

R. Max Peterson,
Acting Chief, Forest Service.
June 5, 1979.
[FR Doc. 79-18020 Filed 6-8-79; 8:45 am]
BILLING CODE 3410-11-M

Main Bay Aquaculture Site; Intent To Prepare an Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190), Department of Agriculture Policy in Proposed CFR 36:219 and Forest Service Manual Section 1950, the Forest Service, Department of Agriculture will prepare an Environmental Statement for the Main Bay Aquaculture Site.

The Alaska Department of Fish and Game has applied for a Hatchery Site at Main Bay, Prince William Sound, Alaska for the purpose of incubating sixty-two million salmonid eggs to enhance salmon runs to Main Bay.

An interdisciplinary team made a preliminary review of the area and their concerns were reflected in the decision to prepare an Environmental Statement.

Soils scientists were concerned about the limited mantle of topsoil to support revegetation of disturbed areas and felt there could be some difficulty in construction due to the topography.

Because of the extent of the proposed development the visual impacts which would result in landform alterations should be assessed.

The area is within the boundaries of the Administratively endorsed Nellie Juan Wilderness Study Area. Because of the extent and probable significance of the development, it has been decided to prepare an Environmental Statement.

Clay Beal, the Forest Supervisor, is the responsible official, and Maynard Nuss, the Lands Forester, will be the team leader for the Environmental Assessment and Statement.

The Statement will be prepared in cooperation with the Alaska Department of Fish and Game.

It is anticipated that the draft statement will be completed by June 1979 since most of the assessment data was collected during last field season. A two month review period will be provided.

The Final Environmental Statement is scheduled for filing by October 1979.

Comments or questions on the Notice of Intent or on the project should be sent to Clay Beal, Forest Supervisor, Chugach National Forest, Pouch 6606, Anchorage, Alaska 99502.

Dated: May 15, 1979.
Clay G. Beal,
Forest Supervisor.
[FR Doc. 79-18069 Filed 6-8-79; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 79-6-22]

Charter Carrier Certificate; Air California

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79–6–22.

SUMMARY: The Board proposes to issue to Air California a charter carrier certificate authorizing it to perform interstate charter air transportation except for points in Alaska and Hawaii (Docket 33344). (The complete text of this order is available as noted below).

DATES: All interested persons having objections to the Board's issuing an order making final the tentative findings and conclusions or to the issuance of the proposed charter carrier certificate shall file with the Board and serve on Air California and all U.S. certificated air carriers by July 9, 1979 a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Replies to objections may be filed no later than July 19, 1979.

ADDRESSES: Objections and replies should be filed in Docket 33344, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Curtis B. Maloy, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202–673–5068.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Board may enter an order making final its tentative findings and conclusions.

The complete text of Order 79–6–22 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79–6–22 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, June 5, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-18083 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-6-28]

Nonstop Authority; San Antonio-San Diego

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-6-28, San Diego-San Antonio Show-Cause Proceeding, Docket 35748.

SUMMARY: The Board is proposing to grant San Antonio-San Diego nonstop authority to Braniff Airways, Western Air Lines, National Airlines, Ozark Air Lines, Hughes Airwest and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 9, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than————.

ADDRESSES: Objections or Additional Data should be filed in Docket 35748, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Donna Kaylor, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 674-5380.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Braniff Airways, Western Airlines, American Airlines, Ozark Air Lines, Hughes Airwest and National Airlines.

The complete text of Order 79-6-28 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-6-28 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, June 5, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-18084 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

[Order No. 79-6-21]

Grant to Fill-Up Authority; New York and Washington

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-6-21.

SUMMARY: The Board is proposing to grant fill-up authority between New York and Washington, on the one hand, and Miami, on the other, to Braniff Airways on all foreign flights. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than June 28, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 34911, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Gary M. Sidell, B-72, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5382.

SUPPLEMENTARY INFORMATION: Objections should be served upon Braniff Airways.

The complete text of Order 79-6-21 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-6-21 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, June 5, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-18085 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

[Order No. 79-6-18]

Granting Applicants Operating Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-6-18, Pacific Northwest-St. Louis-East Show-Cause Proceeding, Docket 35744.

SUMMARY: The Board is proposing to grant the applications of all fit, willing and able applicants whose fitness can be established by officially noticeable material to the extent that they request operating authority between Seattle-Atlanta/Columbus, Ohio/Indianapolis/Memphis/New Orlean/Philadelphia/Pittsburgh/Portland/St., Louis/Salt Lake City; St. Louis-Atlanta/Columbia, Ohio/Indianapolis/Memphis/New Orlean/Philadelphia/Pittsburgh/Salt Lake City; Portland-Atlanta/Columbus, Ohio/Indianapolis/Memphis/New Orleans/Philadelphia/Pittsburgh/St. Louis/Salt Lake City; Salt Lake City-Atlanta/Columbus, Ohio/Indianapolis/Memphis/New Orleans/Philadelphia/Pittsburgh; Atlanta-Memphis.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 12, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than July 23, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35744, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Bernard A. Calure, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5354.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: Allegheny Airlines, American Airlines, Braniff Airways, Delta Air Lines, Eastern Air Lines, Northwest Airlines, Ozark Air Lines, Piedmont Aviation, Southern Airways, Trans World Airlines, Western Airlines.

The complete text of Order 79-6-18 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-6-18 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board, June 5, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-18088 Filed 6-8-79; 8:45 am]
BILLING CODE 6320-01-M

[Order 79-6-42; Dockets 35752, 25908]

Wild Card Route Case; Transatlantic Route Proceeding; Order Instituting Investigation

June 5, 1979.

The United States-United Kingdom Air Services Agreement (Bermuda II) names 14 points that may receive nonstop service by U.S. carriers to London.[1] It also authorizes the United States to select one additional gateway that may receive nonstop service from a U.S carrier to London after July 23, 1980.[2] In the *Transatlantic Route Proceeding,* (Docket 25908) the Board added 11 new points to the transatlantic route map, including the following eight cities not specifically designated for scheduled service in the Bermuda II Agreement: Cleveland, Denver, Kansas City, Minneapolis/St. Paul, New Orleans, Pittsburgh, St. Louis and Tampa.[3] The Board said in its *Transatlantic* decision that one of these cities would be selected as the so-called "wild card" city. See Order 78-1-118, p. 36. It also said that if Minneapolis/St. Paul were chosen as the new gateway point, carrier designation would be between the two applicants—Trans World Airlines or Western Airlines. The Board invited interested persons to comment on the choice of a "wild card" city.

Comments in response to Order 78-1-118 were filed by each of the named wild card city candidates, numerous state and civic parties, and TWA, Western, National Airlines, Inc. and Northwest Airlines, Inc. Each wild card city urges that it be selected based on various geographic, demographic and economic factors that give it preference over its contenders, except Denver, which endorsed Minneapolis/St. Paul as the new gateway. The North Dakota Aeronautics Commission, the Utah parties,[4] and the Arizona parties[5] also recommended selection of Minneapolis/St. Paul.[6] Las Vegas, which was previously rejected by the Board as a candidate, requested reconsideration of its candidacy and urged enlargement of this proceeding to consider additional cities for wild card status.

Among the carriers, TWA requests designation if any of the six city candidates on it certificates is selected; Western supports the Minneapolis/St. Paul candidacy and proposes authority from Minneapolis/St. Paul to London; Northwest urges the Board receive new low-fare carrier proposals and requests an oral hearing; and National requests designation if either Tampa or New Orleans become the chosen point and calls for renegotiation of the bilateral.[7]

Tampa believes that all eight of the original "wild card" cities should be designated as U.S. gateways to London because we found that each of these cities requires nonstop service to Europe in the *Transatlantic Case, supra.* Recognizing, however, that Bermuda II now precludes this result, Tampa urges that we recommend to the President that he open negotiations with the United Kingdom to amend Bermuda II to permit nonstop service to London from all eight cities.[8] It further argues that if only one of these cities can be designated for London service, that city should be Tampa. Tampa lists a number of factors which should be considered in picking a gateway and asks for further procedures if it is necessary to decide this question.

Finally, Minneapolis/St. Paul requests that the Board permit carriers in addition to Western and TWA to apply for Minneapolis/St. Paul-London authority.

Based on the pleadings and all relevant facts, we have decided to institute the *Wild Card Route Case* and to set it for oral evidentiary hearing before an administrative law judge. We agree with the Las Vegas parties[9] that the scope of the proceeding should be expanded to include more than the eight cities we previously selected for candidacy. For reasons discussed below, we have added Honolulu, Ft. Lauderdale, Phoenix, San Diego, Las Vegas, Orlando, and Portland to our list of wild card cities. We also agree with Minneapolis/St. Paul that carriers other than TWA and Western should be allowed to apply for Minneapolis authority. Furthermore, since we see no reason for treating any of the other original wild card candidates differently, and since we have decided to consider London services to seven additional points, we also invite air carriers that are not now parties to this case to apply for the authority at issue.

We have previously noted our dissatisfaction with the anticompetitive provisions of Bermuda II,[10] as these restrictions are inconsistent with our international aviation policy that places principal reliance on actual and potential competition. Obviously nonstop service from any U.S. point and multiple carrier authority is our preference—but such operations are prohibited by international agreement. Yet, the agreement still provides a valuable economic benefit to consumers and carriers which should be exploited.[11] Moreover, competitive constraints should not be allowed to impede advancement of our international aviation objectives. Where they exist, alternative, innovative measures must be created to foster a competitive environment in which the traveling public is offered a variety of price and service alternatives.

Consequently, the *Wild Card Route Case* will have its prime focus on providing consumers with innovative low-fare service. The potential gateway cities will include the eight cities listed as the gateway candidates in Order 78-1-118 plus seven other U.S. cities. They are not specifically named as scheduled gateways in Bermuda II, and are now among the top 25 U.S. domestic traffic-

[1] The following cities can receive nonstop service to London: Dallas/Ft. Worth, Atlanta, Miami, Detroit, Los Angeles, New York, San Francisco, Seattle, Washington/Baltimore, Boston, Chicago, Philadelphia, Anchorage, and Houston.

[2] U.S. Route 1 of the Bermuda II Route Schedule conditions the U.S. city selection upon acceptance by the United Kingdom.

[3] The Board previously concluded in its July 13, 1976 Recommended Decision. (See Order 77-1-98, January 6, 1977, Appendix.) that San Diego, Las Vegas, Phoenix, and Hartford did not exhibit sufficient traffic potential to warrant nonstop transatlantic service to Europe at that time.

[4] Utah parties: Salt Lake City Corportation; Utah Department of Transportation; Salt Lake Area Chamber of Commerce.

[5] Arizona parties: Arizona Department of Transportation; City of Phoenix; Phoenix Metropolitan Chamber of Commerce.

[6] The Port of San Diego also seems to favor selection of Minneapolis/St. Paul as the new U.S. gateway. (See Docket 25908, Correspondence.) The Governor of Nebraska also supports selection of Minneapolis/St. Paul. (See Exhibit MSP-29.)

[7] TWA currently holds U.S.-London authority from the following points not described in the Bermuda II Route Schedule: Cleveland, Denver, Kansas City, Mineapolis/St. Paul, Pittsburgh and St. Louis. National holds U.S.-London authority from New Orleans and Tampa which are not included in the Bermuda II Route Schedule. Northwest holds no U.S.-London authority but has certificate authority to provide U.S.-Glasgow service from the following points: Boston, Chicago, Detroit, Los Angeles, New York, Seattle, Washington/Baltimore, and Minneapolis/St. Paul.

[8] Tampa argues that Bermuda II is illegal and points out that it is now challenging that international agreement in the courts. *Greater Tampa Chamber of Commerce et. al. v. Brock Adams et. al.* No. 78-0517 (D. D.C.) Dismissed. *appeal docketed,* No. 79-1123 (D.C. Cir. November 29, 1978).

[9] Las Vegas parties: Clark County; Greater Las Vegas Chamber of Commerce; City of Las Vegas; Nevada Resort Association; Las Vegas Convention/Visitors Authority.

[10] *See, e.g.,* Order 78-5-146, May 24, 1978.

[11] It should be eminently clear to all parties that selection of one point for U.S.-U.K. nonstop service does not alter the Board's public convenience and necessity finding in the *Transatlantic* case regarding the remaining points.

generating cities.[12] We realize this is a departure from our previous conclusion to limit the pool of gateway candidates to those points already determined to require nonstop transatlantic service; however, changing events and experience have causd us to reassess our initial decision. First, the ranking and composition of the top 25 cities have changed since we first instituted the *Transatlantic* proceeding. As noted in Appendix A, several cities that now appear in the top 25 list were below the cut-off mark when we first selected the city pool for that case.[13] It would be unsound to exclude cities from consideration that today represent important traffic centers. Second, the passage of the Airline Deregulation Act of 1978 vastly increases carriers' facility to rearrange and develop their domestic route system. The expansion of the wild card pool adds to the flexibility of carriers to create an international route system which best integrates with its domestic system. Indeed, the desire to open all U.S. cities for potential gateway status is tempered only by our recognition that the prospect for finding a successful contender among less traveled points is extremely small, and by the necessity to expedite the processing of this case. Accordingly, we have limited the wild card pool to 15 cities.

Since we will accept applications from all carriers for any of the points in issue, this case must also necessarily consider the termination or susension of TWA's authority to operate nonstop between Cleveland, Denver, Kansas City, Minneapolis/St. Paul, Pittsburgh and St. Louis, on the one hand, and London on the other, and also the termination or suspension of National's authority to operate nonstop between New Orleans and Tampa, on the one hand, and London on the other. We shall also consider certificating additional applicants withour modifying the certificate to TWA or National and then make recommendations about which applicant should be designated for nonstop service. However, we take no position on the merits of such a policy at this time.[14]

Similar to our awards in other international proceedings, we will grant the designated carrier fill-up rights for every flight operated pursuant to authority granted here. This should enhance the viability of the new low-fare transatlantic services.[15]

Considering the primary focus of this case, and the need to engage in carrier selection, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new or additional authority and if so, which carrier should be selected. Service benefits as well as an overall competitive market structure constitute important considerations. The administrative law judge should select a city and carrier for recommendation to the Board and also a primary and secondary back-up carrier from that city. Additionally, both the parties and administrative law judge should consider whether temporary or experimental authority should be issued to the selected carrier. As we stated in the *Anchorage-London* instituting order, we wish to devise a fair and effective way to maximize carrier incentives to perform efficiently and offer an optimum array of price and service options to the consumer. We also want to explore ways to replace the selected carrier should it not perform in that manner.

We wish to reduce the delay and costs of the evidentiary burdens typically associated with traditional carrier selection cases. Accordingly, we invite the judge and parties to explore ways to reduce the quantity of required exhibit material, eliminate duplication and excessive detail, standardize methodology and focus on significant facts and assumptions. Ultimately we leave the resolution of these matters to the administrative law judge.

The President has already urged expedition in finalizing the authority granted in Bermuda II. The agreement permits a U.S. carrier to inaugurate services on the new route on July 23, 1980. We want our carrier poised to exploit this right on that date. Accordingly, we have set a Board target date of January, 1980 for our decision. We request the parties, staff, and administrative law judge to move this case along with due speed to insure we can attain our designated dates.

Applications, petitions from interested parties, and motions to consolidate shall be filed with 10 days after the service date of this order. Petitions for reconsideration shall be filed within 10 days after service date of this order and responsive answers shall be filed within 7 days thereafter, including any weekend days. In addition, we will provide that petitions for review of the ALJ's Recommended Decision must be filed 14 days after its service date, given that we will have about two months after its issuance to reach our decision.

The carrier applicants must file environmental evaluations pursuant to Part 312 of the Board's regulations (14 CFR Part 312) and energy information pursuant to Part 313 of the Board's regulations (14 CFR Part 313) within 30 days of the date of service of this order.

Accordingly, it is ordered that:

1. The *Wild Card Route Case,* Docket 35752, be instituted and set for hearing before an administrative law judge of the Board at a time and place to be designated;

2. The proceeding instituted by paragraph 1 shall include consideration of the following issues:

a. Do the public convenience and necessity require the certification of one or more U.S. air carriers to engage in foreign air transportation between London, England and the following U.S. points: Honolulu, Hawaii; Denver, Colorado; Ft. Lauderdale, Florida; Phoenix, Arizona; Minneapolis/St. Paul, Minnesota; San Diego, California; Las Vegas, Nevada; Tampa, Florida; St. Louis, Missouri; Orlando, Florida; Portland, Oregon; New Orleans, Louisiana; Cleveland, Ohio; Pittsburgh, Pennsylvania; and Kansas City, Missouri;

b. If the answer to (a) is affirmative in whole or in part, which city should be selected for U.S.-London service and which primary plus back-up carriers should be selected for that city;[16]

c. For the air carrier or carriers authorized to engage in this service what terms, conditions, or limitations, if any, should be attached to that authority;

d. Do the public convenience and necessity require the suspension or termination or termination of certificate authority of Trans World Airlines, Inc. to operate between Cleveland, Denver, Kansas City, Minneapolis/ St. Paul,

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[12] We have used this standard to define the scope of our proceedings in both the *Transpacific Route Investigation* (Docket 16242) and the *Transatlantic Route Investigation* (Docket 25908).

[13] The pre-selection of cities considered for transatlantic service in the *Transatlantic* proceeding was predicated on the top 25 cities ranked according to domestic revenue paassenger miles as of December 31, 1971.

[14] In considering the possible grant of nonstop authority rights to carriers other than TWA and National, we note that neither carrier has been able to institute nonstop service to London from the cities enumerated in its certificate because of Bermuda II restrictions. Also, the Board stated in granting TWA Minneapolis/St. Paul-London authority that such grant would not preclude potentially more valuable service by another carrier in the future. This consideration is similarly applicable to other markets.

[15] We will not hear all-cargo applications since no provision exists in Bermuda II to permit all-cargo service from the wild card point; however, we shall not proscribe this type of operation in the certificates awarded in this case.

[16] In the interest of providing the Board will a full record for decision, the Judge should also discuss several other cities that may be next in rank, along with the carriers he considers the leading applicants at such cities.

Pittsburgh, and St. Louis on the one hand and London on the other;

e. Do the public convenience and necessity require the suspension or termination of certificate authority of National Air Lines, Inc. to operate between New Orleans and Tampa, on the one hand, and London on the other;

3. Applications, petitions from interested parties, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than June 18, 1979, and answers shall be filed no later than June 25, 1979.

4. Petitions for reconsideration of the Administrative Law Judge's Recommended Decision shall be filed 14 days after service date of that Recommended Decision.

5. All applicants shall file environmental evaluations pursuant to Part 312 of the Board's Regulations and energy statements pursuant to Part 313 of the Board's Regulations no later than July 8, 1979.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred.

Appendix A.—*Rankings of U.S. Cities by Domestic Revenue Passenger Miles*

1971	1978
1. New York/Newark	New York/Newark
2. Los Angeles	Los Angeles
3. Chicago	Chicago
4. San Francisco	San Francisco
5. Miami	Honolulu
6. Honolulu	D.C.
7. D.C.	Miami
8. Boston	Boston
9. Seattle	Denver
10. Philadelphia	Dallas/Ft. Worth
11. Dallas/Ft. Worth	Seattle
12. Detroit	Philadelphia
13. Denver	Houston
14. Atlanta	Atlanta
15. Houston	Detroit
16. Minneapolis/St. Paul	Ft. Lauderdale
17. St. Louis	Phoenix
18. Phoenix	Minneapolis/St. Paul
19. Las Vegas	San Diego
20. Cleveland	Las Vegas
21. San Diego	Tampa
22. Tampa	St. Louis
23. Pittsburgh	Orlando
24. Kansas City	Portland
25. New Orleans	New Orleans
26. Portland	Cleveland
27. Ft. Lauderdale	Pittsburgh
28. Baltimore	Kansas City
29. Hartford	Hartford
30. San Antonio	Baltimore

[FR Doc. 79-18087 Filed 6-8-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Advisory Committee on East-West Trade; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Advisory Committee on East-West Trade will be held on Wednesday, June 27, 1979, at 9:30 a.m., in Room 6802, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established on February 11, 1974 to advise the Department, through the Deputy Assistant Secretary for East-West Trade on ways to further its mission to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries. The Committee currently has 16 members.

The Committee meeting agenda has two parts:

General Session, Room 6802

Morning 9:30 a.m.–1 p.m.

(1) Welcome and Opening Remarks by Jerome Ottmar and Kempton B. Jenkins, Deputy Assistant Secretary for East-West Trade.
(2) Report on Secretary Kreps' Trip to China.
(3) Discussion of U.S.-P.R.C. Trade and Other Economic Agreements.
(4) Review of the U.S.-Soviet Summit Meeting and Implications for East-West Trade.
(5) Committee Recommendations on the U.S. Government Role in Protection of Industrial Property Rights.

Executive Session, Room 6802

Afternoon 2 p.m.–3 p.m.

(6) Committee Recommendations on Policies for U.S.-Soviet Commercial Relations in the 1980's.

The General Session of the meeting will be open to public observation. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis.

A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act P.L. 94–409, that the matters to be discussed under agenda item (6) should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because it will be concerned with matters listed in 5 U.S.C. 552b(c)(9)(B), *i.e.*, premature disclosure would be likely to significantly frustrate implementation of a proposed agency action.

Copies of minutes of the open portion of the meeting will be available 30 days after the meeting upon written request addressed to the Industry and Trade Administration, Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Ms. JeNelle Matheson, Committee Control Officer, Office of East-West Policy and Planning, Bureau of East-West Trade, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–2498.

The complete Notice of Determination to close the aforementioned portion of the June 27 meeting of the Advisory Committee on East-West Trade is hereby published.

Dated: June 6, 1979.

Kempton B. Jenkins,

Deputy Assistant Secretary for East-West Trade.

Office of the Assistant Secretary for Administration, Advisory Committee on East-West Trade; Determination

The Secretary of Commerce, having determined that it is in the public interest in connection with the duties imposed on the Department by law, initially established the Advisory Committee on East-West Trade ("the Committee") on February 11, 1974, pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (1976). In December 1978, with the concurrence of the General Services Administration, the Committee's charter was renewed until December 5, 1980. Authorized membership of the Committee is approximately 20, with a current membership of 16.

The Committee provides advice on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China, and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation.

The Committee may identify and make recommendations concerning current and proposed government policies and programs relating to the promotion and expansion of such trade; advise on the development of future government plans and actions directed at promoting and increasing such trade and improving trading relations; advise on ways U.S. firms could enter this trade or expand existing trade programs and activities; advise on problems encountered by U.S. business in pursuing such trade and recommend solutions; and provide a forum for business, the academic community and government to discuss problems and issues in the field of East-West trade.

The Committee's activities are conducted pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the President, or the head of the agency to which the advisory committee reports, determines that such meetings or portions thereof may be closed to the public in accordance with 5 U.S.C. 552b(c).

Portions of the September 28, 1977, September 27, 1978, December 13, 1978 and April 18, 1979 meetings have previously been closed to the public in accordance with 5 U.S.C. 552b(c)(9)(B) to discuss U.S. Government negotiating positions on (1) the CSCE Review of Basket II provisions of the Helsinki Final Act, (2) future U.S.-Soviet trade in light of validated licensing controls imposed on exports of oil- and gas-related equipment to the U.S.S.R., and (3) U.S.-P.R.C. Trade and Economic Agreements. In addition, 5 U.S.C. 552b(c)(1) was cited as authority for closing a portion of the December 13, 1978 meeting because discussion centered on CSCE matters properly classified by an Executive Order to be kept secret in the interest of U.S. foreign policy.

5 U.S.C. 552b(c)(9)(B) provides that agency meetings or portions thereof may be closed to the public where the premature disclosure of information discussed at such meetings is likely to significantly frustrate implementation of a proposed agency action.

The U.S.-U.S.S.R. Summit Meeting is expected to take place in June. The U.S. Government is currently developing its negotiating positions on specific issues in U.S.-Soviet commercial relations. Although discussion of these issues will probably take place at the Summit, it is likely that they will be resolved only in subsequent negotiations. In order to provide advice to the Department under the terms of its charter, on June 27, 1979 from 2 p.m.-3 p.m. the Advisory Committee on East-West Trade will make recommendations on key issues in U.S.-Soviet commercial relations to be resolved in negotiations following the Summit meeting. Public disclosure of information and advice furnished by the Committee is likely to compromise the U.S. position because Soviet and other communist country representatives regularly attend the Committee meetings.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the portion of the Committee meeting scheduled from 2 p.m.-3 p.m. on June 27, 1979, which will address matters discussed in the preceding paragraph, shall be exempt from the provisions of Section 10 (a)(1) and (a)(3) relating to open meetings and public participation therein, because the aforementioned Committee discussions will be concerned with matters listed in 5 U.S.C. 552b(c)(9)(B). Remaining portions of the meeting will be open to the public.

Dated: June 4, 1979.

Guy W. Chamberlin,

Acting Assistant Secretary for Administration.

Dated: May 31, 1979.

Alfred Meisner,

Assistant General Counsel for Administration.

[FR Doc. 79-18070 Filed 6-8-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Fluke Fishery Management Plan (FMP); (2) Butterfish and Bluefish FMP's; (3) Status of other FMP's; and (4) Conduct other business.

DATES: The meeting will convene on Wednesday, July 11, 1979, at 1 p.m. and will adjourn on Friday, July 13, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route #291, Philadelphia, Pennsylvania 19153. Telephone: (215) 365-7000.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: June 5, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-18068 Filed 6-8-79; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: Fishery Management Plan (FMP) Development, Groundfish proposed revisions, inclusion of other species, Demersel finfish management plan; United States-Canadian Treaty-Council discussion; Task force on Multi-species Management Review; Georges Bank Marine Sanctuary; Logbooks; Foreign Fishing; and Other Business.

DATES: The meeting will convene on Wednesday, June 27, 1979, at approximately 10 a.m. and will adjourn on Thursday, June 28, 1979, at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Howard Johnson's Motor Lodge, Route 1 North, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: (617) 535-5450.

Dated: June 6, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-18069 Filed 6-8-79; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the Random Length Lumber Contract of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, section 12, 92 Stat. 871 (1978), has determined that the following amendments to the random length lumber contract, submitted by the Chicago Mercantile Exchange, are of major economic significance and is therefore publishing these rules, as amended, for public comment. These amendments were submitted to the Commission on April 25, 1979.

The rules, as amended, are printed below showing deletions in brackets and additions underscored:

1700. Scope of Chapter.—This chapter is limited in application to futures trading of [Kiln Dried and Air Dried Hem-Fir] *"S-Dry" random length lumber.* The procedures for trading, clearing, inspection, delivery, settlement and other matters not specifically covered herein shall be governed by the *other* rules of the Exchange.

1701. Commodity Specifications.—Each delivery unit shall consist of nominal 2x4's of random lengths from 8 feet to 20 feet [,]. *Each delivery unit shall consist of and be grade stamped CONSTRUCTION and STANDARD, STANDARD AND BETTER, or #1 and #2; however, in no case may the quantity of Standard grade or #2 grade exceed 50%. Each delivery unit shall be* manufactured in California, Idaho, Montana, Nevada, Oregon, Washington, *Wyoming or Alberta or* British Columbia, Canada, *and contain lumber produced from and grade stamped Alpine Fir, Englemann Spruce, Hem-Fir, Lodgepole Pine and/or Spruce Pine Fir.*

1702. Futures Call.—

A. Trading Months and Hours.

Futures contracts shall be scheduled for trading and delivery during such hours and in such months as may be determined by the Board.

B. Trading Unit.—The unit of trading shall be [100,000] *130,000* board feet. ["Board feet" equals the product of the nominal thickness (in inches) times nominal width (in feet) times nominal length (in feet).]

C. Price Increments.—Minimum price fluctuations shall be in multiples of $.10 per thousand board feet.

D. Daily Price Limits. There shall be no trading at a price more than $5.00 per thousand board feet above or below the previous day's settlement price.

E. Position Limits.—A person shall not own or control more than 1,000 contracts, with a miximum of 300 contracts in any one contract month. [except that in no event shall he own more than 100 contracts in the spot month.]

F. Accumulation of Positions.—For purpposes of [this] *Rule 1702.E.*, the positions of all accounts owned or controlled by a person or persons acting in concert or in which such person or persons have a proprietary or beneficial interest shall be cumulated. *The total position of each account in which a person has more than a nominal interest shall also be cumulated and added to any other positions attributable to that person.*

G. Bona Fide Hedges.—The foregoing limits shall not apply to bona fide hedging transactions complying with the rules of the Exchange.

H. Termination of Trading.—Trading shall terminate on the business day immediately preceding the 16th calendar day of the contract month.

I. Contract Modification.—Specifications shall be fixed as of the first day of trading of a contract except that all deliveries must conform to government regulations in force at the time of delivery. If any federal agency issues an order, ruling, directive, or law that conflicts with the requirements of these rules, such order, ruling, directive, or law shall be construed to take procedence and become part of these rules, and all open and new contracts shall be subject to such government orders.

1703. Delivery Procedures.—In addition to the procedures and requirements of Chapter 7, the following shall specifically apply to the delivery of *random length* lumber.

A. Notice of Intent to Deliver Seller shall give his Notice of Intent to Deliver to the Clearing House prior to 7:00 a.m. *(Chicago time)* on any business day after termination of trading in the contract month, except that on the last business day of the month, the Notice shall be given prior to 12:00 noon.

B. Buyer's Duties.—The clearing member assigned the "Notice of Intent" shall deposit with the Clearing House no later than 10:00 [o'clock] a.m. *(Chicago time)* on the following business day a certified or cashiers check in an amount sufficient to meet the cost of delivery; that is, the product of [100] *130* times the settlement price *on the last day of trading in the contract month* [at the close of trading].

The buyer shall, [have the option, which must be exercised] within two business days of receipt of the "Notice of Intent," [to] submit *to the Clearing* House shipping instructions [including] *to include routing acceptable to the orignating carrier and the* point of destination [, carrier and routing, to the Clearing House].

C. Seller's Duties.—If the buyer's designated destination is east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Texas, and Oklahoma [and within the continental United States], and the western boundary of Manitoba, Canada, the seller shall follow the buyer's shipping instructions within seven (7) business days after receipt of such instructions.*[,] In addition, the seller shall* prepay *the actual* frieght charges and bill the buyer through the Clearing House on the *weight* basis of *1,800 pounds per thousand board feet and* the *rate basis of either the* lowest published freight rate, *in the rate class available to the shipping mill,* from Portland, Oregon, to the buyer's destination [based on association weights] *or the actual freight rate prepaid by the seller, whichever is lower.*

If, however, the buyer's destination is outside of the aforementioned area, the seller shall follow the same procedure except that the freight charge shall be negotiated between the buyer and seller in accordance with industry practice.

If within two (2) business days of the receipt of the *"Notice of* Intent" the buyer has not designated a destination, or if during that time the buyer and seller fail to agree on a negotiated freight charge, the seller may treat the destination as Chicago, Illinois. If the buyer does not designate a carrier or routing, the seller shall select same according to normal trade practices. Seller shall protect the lowest freight rate or load cars to the full visible capacity.

To effectuate delivery, the seller must deposit with the Clearing House, a uniform straight bill of lading and [[an authorized mill grader's]] *a* shipper's manifest showing grade, a tally of pieces of each length, [[bundles,]] board feet by sizes and total board feet. All of the foregoing documents must be received by the Clearing House *postmarked* within [[7]] *fourteen (14)* business days of the date of [shipment] *receipt of shipping instructions.* [[Failure to deliver these documents in the prescribed time shall result in a penalty of $2.00 per

1,000 board feet per day, to be assessed to the seller.]]

In addition, within one (1) business day after acceptance by the railroad, the [[CME Inspection Department]] *Clearing House* must receive a telegram, *telex, or telephone call* from the seller giving car numbers, piece count by length, *unit size, total board footage* and date of acceptance.

*If the seller fails to fulfill any of the aforementioned duties within the prescribed time, penalties will be assessed by the Clearing House Manager in accordance with the current penalty schedule.**

D. Payment.—Upon the seller's fulfillment of the delivery, the Clearing House shall transfer to him the amount due, payment to be made in U.S. dollars. Any government duties, fees and charges from Canada shall be the responsibility of the shipper. Title shall pass to the buyer at the shipping point upon acceptance by the railroad, evidenced by signed and stamped bills of lading of the loaded [, sealed, and tallied boxcars] *railcars* which are being shipped in satisfaction of the delivery.

1704. Par Delivery. [And substitutions.]—

A. Par Delivery Unit.—Delivery shall be made [in the states of California, Idaho, Montana, Nevada, Oregon and Washington or in the Province of British Columbia. The seller shall deliver the lumber loaded on track and either unitized in double-door box cars or, at no additional cost shall be individually paper wrapped and loaded on flat cars. Price shall be net, net] *on track at the producing mill. The lumber shall be paper-wrapped and loaded on flat cars.* [All] Cars [are to] *shall* be packed as close to equal as possible [with separate tally sheets presented with each car in accordance with accepted industry practice].

1. Size—A delivery unit shall be [100,000] *130,000* board feet of random length 2 x 4's [of which 5% to 10% (940–1880) of the 100,000 feet shall be 8' lengths, 5% to 10% (750–1500) 10' lengths, 10% to 15% (1250–1875) 12' lengths, 15% to 20% (1610–2145) 14' lengths, 50% to 60% (4700–5630) 16', 18', or 20' lengths, provided that 16' lengths shall be not less than 35% (3285) of the entire lot, and 0 to 15% (0–1250 18' lengths and 0–1125 20' lenghts) over 16' lengths. Piece counts as shown in the parenthesis are based on a 100,000 board foot contract with tolerance]] *provided the tally is within the following limits:*

Length in feet:	Percent[1]
8	3 to 10
10	4 to 12
12	10 to 20
14	10 to 24
16	35 to 60
18	0 to 15
20	0 to 15
16+18+20	45 to 60

[1] Total board feet delivered.

The lumber shall be double end trimmed, surfaced four sides, eased edge and of minimum dressed dimensions, as specified in Voluntary Product Standard 20–70, *American Softwood Lumber Standard,* published by the United States Department of Commerce (hereinafter referred to as PS 20–70).

2. Packaging—The lumber shall be unitized; that is, steel banded. In addition, all units shall contain lumber of equal lengths, except 18 foot and 20 foot lengths which may be banded together. The units shall be individually wrapped.

[2.] *3.* Quality—The lumber shall meet the requirements of PS 20–70 and shall comply with the requirements for inspection and reinspection of [the Western Wood Products Association (hereinafter referred to as WWPA) or West Coast Lumber Inspection Bureau (hereinafter referred to as WCLIB) and estimated shipping weights as set forth in the manual for "Terms and Conditions of Quotation and Sale" of the WWPA] *an agency recognized by the American Lumber Standards Committee and/or Canadian Lumber Standards Committee.*

[The lumber shall be in sound condition, shall be properly cared for and adequately protected, and show no evidence of mishandling, deterioration or other damage.]

[3.] *4.* Moisture Content—The mositure content of [at least 95%] *each* [of the] piece[s] shall not exceed 19% as determined by moisture meter reading in accordance with the "Standard Methods of Tests for Moisture Content of Wood," Section 9, Method B of the American Society for Testing Material Standard, D2016–65.

[4.] *5.* [Packaging and] Marking—[At least 95% of the] *All* pieces shall be grade marked with registered symbol of [WWPA, WCLIB, Pacific Lumber Inspection Bureau (hereinafter referred to as PLIB) or other grade symbols recoginzed by WWPA] *an agency recognized by the American Lumber Standards Committee and/or Canadian Lumber Standards Committee.* [At least 95% of the] *All* pieces shall be marked with the mill name and/or association identification number, grade, seasoning and species according to the stamping requirements of the Certified Inspection Agency, and shall meet all other requirements of State and Federal law. [The lumber shall be steel-banded whether delivered unitized or paper wrapped and loaded on flat cars.]

B. Variations in Quantity.—Variations in quantity of the delivery unit [not in excess of 5% of 100,000] *between 120,000 and 140,000* board feet shall be permitted [at the time of delivery] without penalty, but payment shall be made on the basis of the exact quantity delivered.

1705. Inspection Procedures and Standards.—Inspection shall conform to [Section 7] PS 20–70 and any other requirements that may thereafter be promulgated under PS 20–70. Inspection service and compliance shall be subject to the customary lumber industry practice, as provided in PS 20–70 [and Bulletin A–27, "Terms and Conditions of Quotation and Sale—WWPA].

In case of claim on grade, moisture content, tally, or manufacture, the buyer [may] *shall* demand reinspection through the Clearing House [, to the WWPA or WCLIB] *to an agency recognized by the American Lumber Standards Committee and/or Canadian Lumber Standards Committee* as provided for under the rules of *those organizations and* PS 20–70. Findings of the reinspection shall be final and binding upon the buyer and seller.

[Reinspection will be made upon request of members only and in the order of applications filed except precedence shall be given to examinations relating to transactions made on the Exchange.]

1706. Exchange Certificate.—[The Exchange Certificate shall conform and be valid in accordance with the inspection made by the inspecting agency.] *The Exchange shall issue and Exchange Certificate which shall conform to the provisions of Rule 707.*

1707. Costs of Inspection and Demurrage.—The costs of all original grading and marking, documentation and related service shall be borne by the seller. The cost of reinspection shall be assessed as provided by [WWPA and WCLIB] *the agency performing reinspection.*

The seller shall assume demurrage charges up to the date of shipment. The buyer shall be responsible for any demurrage and diversion charges after shipment. The buyer shall be entitled to one reconsignment [at the through rate published by the WWPA].

Any person interested in submitting written data, views, or arguments on these rules should send his comments by July 11, 1979, to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581.

Issued in Washington, D.C. on June 5, 1979.
James M. Stone,
Chairman.
[FR Doc. 79-18003 Filed 6-8-79; 8:45 am]
BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Advisory Committees; Invitation for Membership Application

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Advisory Committee vacancies and invitation to apply for membership.

SUMMARY: The purpose of this notice is to invite application for membership on three advisory committees of the Consumer Product Safety Commission for vacancies that will occur in July 1979. The advisory committees are: (1) the Product Safety Advisory Council, (2) the National Advisory Committee for the Flammable Fabrics Act, and (3) the Technical Advisory Committee on Poison Prevention Packaging. These appointments are for two-year terms. This notice contains information on the function and composition of the advisory committees; the number and representational category of the vacancies occurring on each committee in July 1979; the representational categories and expertise of members remaining on the committees; general criteria for selection of members on Consumer Product Safety Commission advisory committees; and procedures for making application or nomination of candidates for membership.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Catherine Bolger, Office of the Secretary, Suite 300, 1111 18th Street, NW, Washington, DC 20207, 202-634-7700.

CLOSING DATE: July 11, 1979. Applications received after that date will not be considered for July 1979 vacancies.

SUPPLEMENTARY INFORMATION:

Product Safety Advisory Council

Section 28 of the Consumer Product Safety Act (15 U.S.C. 2077) provides that the Commission shall establish a 15-member Product Safety Advisory Council to be composed of: (1) five members selected from governmental agencies including Federal, State and local governments; (2) five members selected from consumer product industries including at least one representative of small business; and (3) five members selected from among consumer organizations, community organizations, and recognized consumer leaders.

The Council functions in an advisory capacity providing the Commission with diverse viewpoints on major policy issues, proposed rulemaking, and approaches to special problems and issues in implementing the Commission's legislative mandate to protect the public against unreasonable risks of injury associated with consumer products. The Council may propose safety rules for the Commission's consideration.

The Commission anticipates eight (8) vacancies in July 1979: three (3) in the consumer category, three (3) in the government category and two (2) in the industry category.

The seven (7) members remaining on the Product Safety Advisory Council are: Consumer Category: A consumer advocate affiliated with the Seminole Employment Economic Development Corporation, Florida, and a homemaker and former South Carolina State legislator; Industry Category: The president of the National Mass Retailing Institute in New York, a former executive of the RCA Service Company now residing in Philadelphia, Pennsylvania, and the Executive Director of the Independent Business Association, Bellevue, Washington; Government Category: A Commissioner of Consumer Protection for the State of Connecticut, and the coordinator of the Bureau of Maternal and Child Health, New York State Health Department.

The Commission is seeking individuals who will provide additional diversity of qualifications, experience, and background to the advisory council.

National Advisory Committee for the Flammable Fabrics Act

The National Advisory Committee for the Flammable Fabrics Act was established in 1968 by the Department of Commerce under Section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88, U.S.C. 1204). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Commission by Section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

The National Advisory Committee provides the Commission with advice, opinions, and recommendations on its proposed regulations or other programs to reduce the frequency and severity of burn injuries involving flammable fabircs. The Flammable Fabrics Act provides that the Commission shall consult with the Committee before prescribing flammability standards pursuant to the Act.

The National Advisory Committee for the Flammable Fabrics Act is composed of 20 members, ten (10) of whom are representative of the consuming public and ten (10) of whom are representative of manufacturers and distributors, with manufacturers to include the natural fiber producing industry, the man-made fiber producing industry, and manufacturers of fabrics, related materials, apparel or interior furnishings.

Eleven (11) vacancies are anticipated in July 1979 on the National Advisory Committee: six (6) in the consumer category and five (5) in the industry category.

The nine (9) members remaining on the National Advisory Committee include among the consumer representatives two academicians: a professor of home economics at Norfolk State College in Virginia and an associate professor of textiles, clothing and design at the University of Nebraska. The other consumer members include a consumer specialist and president of a consulting firm on consumer specialist and president of a consulting firm on consumer affairs in the District of Columbia, and the Executive director of the New England Regional Burn Program in Boston, Massachusetts.

The remaining industry members on the National Advisory Committee are the manager of the economic and market research activities of the National Cotton Council of America, the director of manufacturing services for the Southern Furniture Manufacturers Association, the Marketing Technical Director of the American Enka Company, a man-made fiber producer, the president of a research laboratory, and the president of the Shirey Company, a manufacturer of children's sleepwear/lingerie.

The Commission is seeking individuals who will provide additional diversity of qualification, experience and background to the committee.

Technical Advisory Committee on Poison Prevention Packaging

The Technical Advisory Committee on Poison Prevention Packaging was first established in 1971 by the Department of Health, Education and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601; 15 U.S.C. 1471, *et seq.*). Functions under this Act including administration of the Technical Advisory Committee on Poison Prevention Packaging, were transferred, effective May 14, 1973, to

the Commission by Section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a).

The Technical Advisory Committee provides advice and recommendations to the Commission on the establishment of packaging standards to protect children from serious personal injury or illness resulting from handling, using or ingesting household substances. Further, an important function of the Technical Advisory Committee is to review and evaluate petitions requesting exemption from Poison Prevention Packaging regulations. The Poison Prevention Packaging Act provides that the Commission shall consult with the committee in making findings and in establishing standards pursuant to the Act.

The Poison Prevention Packaging Act specifies that the Technical Advisory Committee shall be composed of not more than 18 members who are representatives of (1) the Department of Health, Education and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to the Act, (4) scientists with expertise related to the Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. In order to achieve maximum balance of views on the committee, the Commission by regulation established that, excepting the two specified government representatives, the remaining 16 members of the committee are equally divided among consumer and industry interests, with scientists and medical practitioners included in either the consumer or industry category depending upon their employment affiliation.

The Commission anticipates eight (8) vacancies on the Technical Advisory Committee: five (5) representatives of the consuming public; and three (3) representatives of industry interest.

The eight (8) members remaining on the committee, in addition to the representatives from DHEW and DOC, include among the consumers a medical student at the University of Arizona College of Medicine, the director of the Duke Poison Control Center in Durham, North Carolina, and a homemaker with previous experience in emergency room care and as a chemical analyst. The industry members remaining on the Technical Advisory Committee are a manager of closure research and development at ALCOA, Richmond, Indiana, the manager of product safety and quality control for the Kerr Glass Manufacturing Company, Lancaster, Pennsylvania, an executive of the Van Blarcom Closures, Inc., Brooklyn, New York, a technical expert in package testing at Lehn & Fink Products Co., Montvale, New Jersey, a manufacturer of pharmaceuticals and chemicals, and a packaging development engineer at Travenol Laboratories, Round Lake, Illinois, a manufacturer of pharmaceuticals.

The Commission is seeking individuals who will provide additional diversity of qualifications, experience, and background to the committee.

Membership Criteria

The membership of the Commission's advisory committees shall be, insofar as practicable, fairly balanced in terms of geographic location, age, sex, and race. Further, within the representational categories specifically mandated by law, the Commission seeks to select members to ensure advisory committees with the widest possible diversity of experience, expertise, background, and interests. Examples of such diversity are provided below for each of the advisory committees.

Product Safety Advisory Council. For consumer representatives, such diversity would include past or current involvement in the areas of consumer protection and consumer information; activities directed to the special needs of children, the handicapped, minorities, low-income, elderly, etc.; teaching and/or reseach in safety of consumer products; public interest law; and educational programs for consumers. Diversity among industry representatives would include occupational responsibilities such as quality control, product testing, product engineering and design, marketing; voluntary standards development; trade association experience; corporate policy-making; import/export of products, etc. For government representatives, such diversity would include involvement in activities at the Federal, State, or local level related to product safety regulatory activities; community group and/or program involvement; product-related research and/or testing, etc.

National Advisory Committee for the Flammable Fabrics Act. For consumers on this committee, such diversity would include past or current involvement in burn treatment programs; fire prevention programs; teaching and/or research relating to textiles and home furnishings; consumer organization or local citizen group activities relating to flammability, public interest law, homemaking, etc. Diversity among industry representatives within the basic categories provided for by law would include past or current activities related to voluntary standards development in the area of fabric/textile flammability, fire-prevention programs, trade associations, research and/or teaching, occupational responsibilities such as quality control, product testing, product engineering export/import of consumer products, etc.

Technical Advisory Committee on Poison Prevention Packaging. Diversity among consumer representatives would include past or current involvement in activities related to poison control centers, data gathering research and analysis of incidents of poisoning in children, pediatrics, public interest law, home accident prevention efforts, teaching and/or research relating to household substances and drugs, homemaking, childrearing, etc. Diversity among industry representatives within the basic categories provided for by law would relate to specific types of products dealt with; past or current occupational responsibilities such as quality control, product testing, product engineering and design, marketing; voluntary standards development; practicing pharmacists; medical practitioners and scientists with industry employment affiliation; etc.

Privacy Act Notice

In accordance with the requirements of "The Privacy Act of 1974" (Pub. L. 93-579), persons from whom personal information is collected by a Federal agency are to be advised of the authority which authorizes the solicitation of information, whether disclosure is mandatory or voluntary, the principal purpose for which the information is collected and the routine use to which it will be put, and the effects, if any, of not providing all or any part of the requested information. Accordingly, applicants for membership on the Consumer Product Safety Commission's advisory committees are advised of the following: (1) the authority for collecting the requested information is the Consumer Product Safety Act, sections 28, 30(a) and 30(b), (15 U.S.C. 2077, 2079(a) and 2079(b)), the Flammable Fabrics Act, section 17 (15 U.S.C. 1204) and the Poison Prevention Packaging Act of 1970, section 6 (15 U.S.C. 1475). The submission of applications for advisory committee membership is on a voluntary basis, (2) the purpose for which the requested information is collected and the routine use to which it will be put is to evaluate and select candidates for filling vacancies on advisory committees, (3) the effect of not providing the requested

information is to preclude the Commission from properly evaluating a candidate for membership on an advisory committee.

Application Procedure

Interested persons may apply for committee membership by submitting the information requested below on or before July 11, 1979. Persons wishing to nominate another individual to serve on an advisory committee should submit the same information on the nominee for consideration and should include a statement that the person nominated has agreed to serve if selected by the Commission.

Application Format

Note.—Submission of the information listed below will constitute an application. There is no separate application form. Résumés may be substituted for the recommended application format as long as they are accompanied by an attachment which completes all of the application format questions. Applications which do not provide all of the requested information will be considered incomplete and will be disqualified. If applying for more than one CPSC Advisory Committee, please submit a separate application for each Committee. Please use typewriter or print in ink to prepare application.

1. Name of advisory committee for which application is submitted: Product Safety Advisory Council.

Application Procedure

Interested persons may apply for committee membership by submitting the requested information below on or before July 11, 1979. Persons wishing to nominate another individual to serve on an advisory committee should submit the same information on the nominee for consideration and should include a statement that the person nominated has agreed to serve if selected by the Commission.

Application Format

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1. Name of advisory committee for which application is submitted: Product Safety Advisory Council.

National Advisory Committee for the Flammable Fabrics Act

Technical Advisory Committee on Poison Prevention Packaging

2. Name of applicant

3. Home address and telephone number (include Area Code)

4. Employment affiliation:

a. Current position and description of duties.

b. Employer's name, address, and telephone number (include Area Code).

c. Category of Representation (specify product):

☐ Industry
1. Manufacturer
2. Importer
3. Distributor
4. Retailer
5. Small business
6. Self-employed
7. Trade association
8. Other (specify)

☐ Government
1. Federal
2. State
3. Local

☐ Consumer: Specify membership and/or involvement in national or local consumer groups, public interest groups, community service groups, etc. or other activities indicating consumer participation and interst.

☐ Scientist/Medical practitioner: Indicate specialty. Applicants in this category may be representatives of industry or consumers depending on employment affilation.

☐ Not currently employed:
1. Homemaker
2. Retired
3. Student
4. Other (specify)

d. Do you perform consulting work? If yes, specify kind of consulting work, for whom, and if paid or volunteer.

e. Are you involved in the performance of work under a contract of grant awarded by CPSC? If yes, specify contract title and number and describe your involvment.

f. Are you, or your organization, involved in any proceeding or matter presently pending before the Commission. If yes, please explain.

g. Are you, or your organization, presently involved in the development, or the proposal to develop, a safety standard or regulation under any of the Acts administered by the Commission? If yes, please explain.

5. Experience/Expertise: Specify and describe education, experience or extracurricular activites related to product safety generally and the activities of the advisory committee for which you are applying.

Check applicable areas and provide descriptive comments for each area checked.

☐ Product safety regulatory activities
☐ Hazardous substances
☐ Flammable fabrics
☐ Poison prevention packaging
☐ Voluntary standards development
☐ Burn treatment programs
☐ Fire prevention programs
☐ Poison control centers
☐ Trade association
☐ Product design
☐ Product testing
☐ Product-related research
☐ Quality control
☐ Accidents in the home
☐ Problems of elderly or handicapped
☐ Public interest law
☐ Import/export activities
☐ Consumer education/information
☐ Consumer protection
☐ Teaching
☐ Marketing
☐ Corporate policy development
☐ Health/safety programs
☐ Other relevant experience/expertise

6. Interest Questions:

a. Why are you interested in serving on the Committee?

b. What contribution do you believe you can make?

c. Would you be able to attend approximately four two-day sessions annually in Washington, DC? Travel expenses are reimbursable in accordance with Federal Regulations.

7. Other affiliations. Without restating information given above, specify all affiliations, past and current, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the Advisory Committee for which you are applying.

8. Signature of Applicant (if self-application).

9. Signature of Person Making Nomination if application submitted by other than the Applicant. Include statement that nominee has agreed to serve if selected.

Applications should be submitted not later than July 11, 1979 to the Committee Management Officer, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

Dated: June 6, 1979.

Sadye E. Dunn,

Secretary.

[FR Doc. 79-18058 Filed 6-8-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Beach Erosion Control and Hurricane Protection Project, Folly Beach, S.C.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. Description of proposed action. The proposed project provides for beach restoration, erosion control, and improvement of recreational beach along the ocean shoreline of Folly Beach, South Carolina. The plan of improvement provides for restoration and periodic renourishment of a continuous reach of beach in the center

section of the Folly Island ocean shoreline for a total project length of 16,860 feet. The plan would require 684,000 cubic yards of sandy fill material. Borrow areas selected as a source of fill sand are shoal areas in Lighthouse and Stono Inlets.

2. Description of alternatives. Structural alternatives evaluated included beach restoration with varied berm widths and different length of shoreline protected. Three sizes of dunes were considered as supplemental features to beach restoration to provide additional protection from wave damage during hurricane and lesser storms. While beach restoration was found to be economically justified, the cost of adding the dunes would not provide commensurate benefits. Beach revetment and seawalls were considered but were rejected because they would not provide any additional beach area for recreational use. Additions to the existing groin system and construction of offshore breakwaters were also considered. These were rejected because of high cost.

Non-structural alternatives were also considered. Investigations of local ordinance and emergency programs indicated that the City of Folly Beach is participating in the Federal Flood Insurance program and this program involves mandatory flood plain regulatory zoning and reasonable building codes which are non-structural methods of protection. Such actions are desirable in order to preclude possible future development that would be subjected to much damage from flooding, storm waves and from beach erosion. Analysis of permanent or temporary evacuation, and relocations of buildings in the active erosion zones indicated that these non-structural measures would be of little benefit.

3. a. Public and private participation in the DEIS process. Two Beach Erosion Control and Hurricane Protection Public Meetings were held at Folly Beach on November 29, 1977 and December 1, 1978. Full participation by interested Federal, state and local agencies as well as other interested private organizations and parties was invited. Subsequent meetings and correspondence with aforementioned agencies and parties have occurred in the formulation of the DEIS.

b. Significant issues to be discussed in the DEIS include:

(1) Project Purpose, Location and Description of Action.

(2) Environmental Setting Without the Proposed Project.

(a) Biotic Communities.

(b) Fish and Wildlife Resources.

(c) Endangered Wildlife.

(d) Recreational Values.

(e) Cultural Resources.

(f) Social and Economic Conditions.

(3) Relationship of the Proposed Action to Landuse Plans.

(4) Probable Impact of the Proposed Action on the Environment.

(a) Water Quality.

(b) Biological Resources.

(5) Alternatives to the Proposed Action.

c. Environmental Review. Environmental review of the DEIS and EIS as well as consultations will be made with the U.S. Fish and Wildlife Service, Environmental Protection Agency, National Marine Fisheries Service, South Carolina Coastal Council, South Carolina Department of Health and Environmental Control, and South Carolina Wildlife and Marine Resources Department.

4. A scoping meeting will not be held as a result of near completion of the DEIS.

5. The Draft Environmental Impact Statement *Beach Erosion Control* and *Hurricane Protection Folly Beach, South Carolina* will be made available to the public about June 1, 1979.

6. Questions about the proposed action and DEIS can be answered by: John Carothers, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Charleston District, Box 919, Charleston, South Carolina 29402.

Dated: May 14, 1979.

William W. Brown,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-18039 Filed 6-8-79; 8:45 am]

BILLING CODE 3710-AC-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on June 29, 1979, at the offices of British Petroleum Company Ltd., Britannic House, Moor Land, London, England, beginning at 9:30 a.m. The agenda is as follows:

1. Status of Standing Group on the Oil Market (SOM) and Industry Working Party (IWP) activities and arrangements for future meetings.

2. Report on the IWP meeting with SOM on April 24th.

3. Review of gravity adjustment for crude oil cost and price data and whether other quality adjustments for this data are necessary.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D. C., May 30, 1979.

Robert C. Goodwin, Jr.,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 79-18023 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Competition

Subsidization of Motor Fuel Marketing: A Hearing Related to Title III of the Petroleum Marketing Practices Act

AGENCY: Office of Competition, Department of Energy.

ACTION: Notice of Public Hearing and Opportunity for Written Comments.

SUMMARY: The Office of Competition of the Department of Energy gives notice of a public hearing and opportunity for submission of written comments concerning the study required by Title III of the Petroleum Marketing Practices Act (Pub. L. 95-297). An Outline of this study was published in the Federal Register January 17, 1979. The outline indicated that a series of regional hearings would be held across the nation. The general purpose of these hearings is to present interested parties with an opportunity to present their views regarding subsidization of motor fuel marketing in their specific market area.

DATES: Requests to speak on or before July 9th at 4:30 p.m. Oral statements due on July 17th at 8:00 a.m. Hearing on July 17th at 9:30 a.m. Written comments due on or before July 26th at 4:30 p.m.

ADDRESSES: Send requests to speak to: Department of Energy, 111 Pine Street, Third Floor, Attention: Robert Lassel, San Francisco, California, 94111; Bring oral statements to hearing location. Send written comments to: Office of Public Hearing Management, Department of Energy, Room 2313, Box XE, 2000 M St. NW. Washington, D.C. 20461. Hearing location: New Otani Hotel, 120 South Los Angeles Street, Ballroom No. 2, Los Angeles, California 90012.

FOR FURTHER INFORMATION CONTACT:

James Delaney, Robert Fenili, Office of Competition, Department of Energy, 12th &

Pennsylvania Avenue, NW., Room 4115, Washington D.C. 20461, 202–633–9191.

Robert C. Gillette, Hearing Procedures, Department of Energy, 2000 M St. NW., Room 2214B, Washington, D.C. 20461, 202–254–5201.

SUPPLEMENTARY INFORMATION:

I. *Background*
II. *Specific Comments Requested*
III. *Public Hearing and Comment Procedure*
A. Written Comments
B. Public Hearing

I. Background

On January 17, 1979, in the Federal Register, the Office of Competition indicated that it would adopt a regional approach to the Title III Study on subsidization in the marketing of motor fuel. A multifaceted plan was outlined in that notice. The plan included a retail outlet survey of five selected areas, a refiner and wholesaler survey, a functional profitability survey of major refiners and a subpoena of internal planning and marketing documents of nine companies. Since January 1979, staff members of the Office of Competition have met with various participants in the five regional markets.

As part of its effort to afford interested parties an opportunity to present written and oral data, views, and arguments concerning the study, the Office of Competition will conduct a series of regional hearings. These hearings will supplement the statistical analysis mentioned above. In addition, to this Los Angeles hearing, seven to nine other hearings will likely be scheduled throughout the year.

II. Specific Comments Requested

The Office of Competition is interested in receiving comments on the interrelated issues of subsidization of motor fuel sales, profitability of marketing at wholesale and retail, and the competitive viability of various groups in the Los Angeles regional market. In particular, we would like to receive comments on the following matters:

(1) The extent of subsidization in the area, including documentation, if possible.

(2) The effect of subsidization on competition in the area;

(3) The role of refiner- and wholesaler-operations at retail and the impact of DOE regulations, or other important institutional factors, on competition in the area; and

(4) Proposed remedies, if any, for insuring the long-term consumer interests as related to motor fuel marketing.

III. Public Hearing and Comment Procedures

A. *Written Comments.* You are invited to submit written views, data, or arguments with respect to the areas listed above. Comments should be submitted to the address indicated in the ADDRESSES section of this notice and should be identified on the outside envelope with the designation "Title III Study". Fifteen copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th & Pennsylvania Avenue, NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Identify separately any information or data you consider to be confidential and submit it in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public Hearing.* 1. Request Procedure: The time and place of the public hearing are indicated in the DATES and ADDRESSES sections of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the day following the date of the hearing. You may make an oral presentation at the hearing. Since it may be necessary to limit the number of persons making such presentations, you should be prepared to describe your interest in this proceeding, if appropriate, why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of your proposed oral presentation.

The DOE will notify each person selected to be heard before 4:30 p.m. on July 12th. Persons selected to be heard should submit 100 copies of their statement to the address indicated in the ADDRESSES section of this notice before 9:00 a.m., July 17th.

2. Conduct of the Hearing: The Office of Competition reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. Representatives of the Federal Trade Commission and the Attorney General have been invited to be members of the hearing panel. This will not be a judicial or evidentiary type hearing. Only those conducting the hearing may ask questions, and there will be no cross-examination of persons presenting statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before 4:30 p.m. on July 13th. You may also submit any questions in writing, to the presiding officer at the time of the hearing. The Office of Competition or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and the DOE will retain the entire record of the hearings, including the transcript, which will be made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. You may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the DOE to cancel the hearing, every effort will be made to publish advance notice in the Federal Register of such cancellation. Moreover, DOE will notify all persons scheduled to testify at the hearing. However, it is not possible for DOE to give actual notice of cancellations or changes to persons not identified to DOE as a participant. Accordingly, if you wish to attend the hearing, you should contact the DOE on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Issued in Washington, D.C., June 5, 1979.

Leslie J. Goldman,

Acting Assistant Secretary Policy and Evaluation.

[FR Doc. 79-18082 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Issuance of Proposed Remedial Order to Maurice L. Brown Co.

Notice is hereby given that on May 31, 1979, the Proposed Remedial Order (PRO) summarized below was issued by the Central Enforcement District of the

Economic Regulatory Administration (ERA) of the Department of Energy to Maurice L. Brown Company (Brown), 9229 Ward Parkway, Kansas City, Missouri 64114.

The PRO includes findings that Brown, a crude oil producer, overcharged $968,043.38 in sales of crude oil during the period September 1973 through December 1976.

The reason for the overcharges were a result of Brown (1) erroneously including injection wells as producing wells in the computation of average daily production for purposes of determining the eligibility of properties for the stripper well exemption, (2) incorrectly computing the amount of new and released crude oil, and (3) not considering down days in the computation of average daily production for purposes of determining the eligibility of properties for the stripper well exemption.

The Office of Enforcement of the ERA has proposed in the PRO that Brown be required to refund the full amount of overcharges (plus interest) found with respect to each property as the Department of Energy shall direct. Refunds shall be made over a period of time which is equal to the number of months during which overcharges have been found with respect to each property.

A copy of the PRO, with any confidential information deleted, may be obtained from the ERA at the following address:

Manager, Program Branch, Central Enforcement District, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

Any aggrieved person may, on or before June 26, 1979, file a Notice of Objection with the Office of Hearings and Appeals in accordance with 10 CFR § 205.193. Pursuant to 10 CFR § 25.193, a Notice of Objection must be filed in duplicate, shall briefly describe how the person would be aggrieved by issuance of the PRO as a final Remedial Order, and shall state the person's intention to file a Statement of Objections pursuant to 10 CFR § 205.196. No confidential information shall be included in a Notice of Objection. A Notice of Objection must be filed at the following address:

Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

In addition, a copy of each filing must be submitted to the ERA Central Enforcement District office at the address set forth herein, and to:

Assistant General Counsel for Administrative Litigation, Office of General Counsel, Department of Energy, Room 7149, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Issued this 31st day of May, 1979 in Kansas City, Missouri.

Robert D. Gerring,

District Manager, Central Enforcement District.

[FR Doc. 79-17722 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 78-002-NG, et al., FERC Docket No. CP78-237]

Northern Natural Gas Co., Great Lakes Transmission Co.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice granting rehearing and reconsideration for review of second supplement to application for importation of Canadian synthetic natural gas (SNG); and invitation to submit petitions to intervene.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of its granting an application by Northern Natural Gas Company (Northern) and Great Lakes Gas Transmission Company (Great Lakes) for rehearing and reconsideration of "DOE/ERA Opinion and Order Number Five" (hereafter "Opinion Number Five") issued March 8, 1979, in ERA Docket No. 78-002, *et al.*

In DOE/ERA Opinion Number Five, the ERA denied, without prejudice, Northern's proposal to import 75,000 cubic feet (Mcf) per day of SNG by displacement from Canada. In the same Order, ERA denied, without prejudice, the related application of Great Lakes requesting authority to amend its current import authorizations in FERC Docket No. CP66-110 *et al.*, to permit deliveries of the gas, proposed to be imported by Northern, in Minnesota and Michigan.

The second supplement filed by the applicants is a restructed project which includes a new contracted import price. Thus, a determination must be made as to whether the restructured project is in the national interest. This application, as supplemented and amended, is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Department of Energy Delegation Order No. 0204-25.

Petitions to intervene are invited.

DATES: Petitions to intervene: to be filed on or before June 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street, N.W., Room 6318, Washington, D.C. 20461, Telephone (202) 254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue, N.W., Room 5116, Washington, D.C. 20461, Telephone (202) 633-9380.

SUPPLEMENTARY INFORMATION: DOE/ERA's Opinion and Order Number Five, "Opinion and Order on Application to Import SNG from Canada by Displacement by Northern Natural Gas Company and Great Lakes Gas Transmission Company" (Opinion), issued March 8, 1979, denied without prejudice that application, primarily because the proposed SNG import price was too high and, in addition, because Northern had not adequately determined regional need for this gas. In its verified application for rehearing, Northern stated that it had restructured the Gas Service Agreement with its supplier Union Gas Limited, Canada, to adopt a different and substantially lower contract price which would be equitable to U.S. consumers. Consequently, on May 2, 1979 DOE/ERA issued an order granting the application for rehearing for purposes of reviewing the restructured contract.

Specifically, the second supplement of Northern's verified application states that the price to be paid by Northern to Union shall be the U.S.A.-Canadian border export price plus 56¢ per MMBtu representing a storage charge which will remain constant throughout the four-year life of the contract.

In addition, Northern asserts that the proposed border price of $2.86 for the SNG ($2.30 as announced by the Privy Council of the Government of Canada on March 28, 1979, and effective May 1, 1979, plus 56¢ storage charge) compares favorably with Northern's current cost of "traditional area" new gas delivered into Northern's market area. The "traditional area," according to Northern refers to new gas purchased off-shore, from wells located in Kansas, Oklahoma, Texas, New Mexico, off-shore Louisiana, and off-shore Texas.

The ERA invites comments and petitions for intervention in this proceeding. Such petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on June 26, 1979.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any comment or protest with reference to the petition should file with the ERA in the same manner as indicated above

for petitions to intervene. All comments or protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required. If such hearing is required, due notice will be given.

A copy of Northern's application as amended or supplemented, is available for public inspection and copying in Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, between the hors of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., June 1, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79–18024 Filed 6–8–79; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP79–319]

Consolidated Gas Supply Corp.; Application

June 1, 1979.

Take notice that on May 21, 1979, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP79–319 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas to Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to sell an average daily quantity of 100,000 dekathern (dt) equivalent of natural gas or an annual quantity of 36,500,000 dt to Texas Gas pursuant to the terms of a limited-term surplus gas sales agreement dated May 17, 1979, between Applicant and Texas Gas. The gas to be sold to Texas Gas is to be taken from the volumes which Applicant is now or would be authorized to purchase from independent producers in the South Louisiana area, it is stated. It is estimated that more than 8 percent of the volumes of gas to be sold to Texas Gas would be purchased by Applicant from its affiliate, CNG Producing Company, it is said. Applicant states that in order to facilitate the delivery of the annual quantity and to accommodate fluctuations in Texas Gas' requirements, the agreement provides for a 25 percent increase or decrease in daily deliveries from the quanitity of 100,000 dt.

Applicant states that it would deliver the gas to Texas Gas or for Texas Gas' account at (1) the existing measuring and regulating station at the northern terminus of the Blue Water pipeline system near Egan, Louisiana, where the Blue Water facilities interconnect with the facilitites of Texas Gas and (2) the northern terminus of the High Island Offshore System (HIOS) at the West Cameron Block 167 platform where the HIOS facilities interconnect with the facilities of Michigan Wisconsin Pipeline Company. It is indicated that there would be an alternate delivery point at the northern terminus of the U–T Offshore System (U–TOS) facilities near Cameron Meadows in Cameron Parish, Louisiana, which alternate point is to be utilized only if Texas Gas is unable to accept deliveries at the primary delivery points.

Applicant states that the term of such Surplus Gas Sales Agreement is for a 30-month period from the date of initial deliveries. Applicant further states that the rate which Texas Gas would pay Applicant for the gas is to be $1.89 per dt until July 1, 1979, when the rate would be increased by 7.0 cents per dt as of that date and by an additional 7.0 cents upon each January 1 and July 1 there after during the term of the agreement.

It is asserted that Texas Gas would utilized the volumes of gas purchased from Applicant as general system supply and not for delivery to any particular customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, purusant to the authority contained in a subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary

[FR Doc. 79–17984 Filed 6–8–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. CP77–326]

Columbia Gulf Transmission Co.; Petition To Amend

June 1, 1979.

Take notice that on May 14, 1979, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP77–326 a petition to amend the order of August 5, 1977, issued in said docket pursuant to section 7(c) of the Natural Gas Act so as to permit Columbia Gulf to increase the volume of gas to be transported on behalf of Sea Robin Pipeline Company (Sea Robin) from 50,000 Mcf per day to 100,000 Mcf per day, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.[1]

Columbia Gulf has entered into a gas transportation agreement with Sea Robin, dated March 15, 1977, which provides that Columbia Gulf would accept and receive up to 50,000 Mcf of natural gas per day and that Sea Robin, at its election, had the right to have transported to it, an additional 50,000 Mcf of gas per day, it is stated. It is indicated that the Commission in Docket No. CP77–326, *et al.*, authorized Columbia to commence transportation of up to 50,000 Mcf per day of gas to Sea Robin with the provision that Sea Robin

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

has the option of increasing its transported volume by an additional 50,000 Mcf per day of gas, to be exercised within 24 months from the completion of the necessary facilities by Columbia Gulf.

Columbia Gulf states that an amendment to the transportation agreement, dated March 21, 1979, provides that Columbia Gulf would transport for Sea Robin an additional volume of 50,000 Mcf of gas per day which Sea Robin has available from West Cameron Blocks 609 and 617, offshore Louisiana, to Egan, Louisiana through facilities authorized in Docket Nos. CP75-262 and CP75-359 and through the Blue Water Project, which was constructed under authorizations granted in Docket Nos. CP68-231, CP74-180, CP75-297, CP76-349 and CP77-65. Columbia Gulf further states that at Egan, Louisiana, the gas would be retained in Columbia Gulf's pipeline with a thermally equivalent volume of gas being delivered to Sea Robin at Erath, Louisiana at the terminus of Sea Robin's offshore pipeline.

It is asserted that Columbia Gulf has agreed to a reduction in the contract demand by 10,000 Mcf per day of gas or any multiple thereof, to no less than a total contract demand of 60,000 Mcf per day, with no reduction being effective prior to the expiration of twelve months from the last reduction. Columbia Gulf states that such reductions would be at Sea Robin's election and was granted in view of the possibility that the deliveries to Sea Robin from West Cameron Blocks 609 and 617 would decline in the foreseeable future.

It is stated that the amendment to the agreement changes Section 2.1 of the agreement to delete language not now applicable and Section 9.1 to set forth the full understanding of Columbia Gulf and Sea Robin regarding curtailments of the contract demand.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17995 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

Davis Oil Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 16, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Department of Interior Geological Survey

FERC Control Number: JD79-5745
API Well Number: 49-037-20787
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Hay Reservoir Unit 1
Field: Hay Reservoir
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 270 MMcf.

FERC Control Number: JD79-5746
API Well Number: 49-037-20851
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Hay Reservoir Unit 3
Field: Hay Reservoir
County: Sweetwater
Purchaser: Colorado Interstate Gas Company
Volume: 730 MMcf.

FERC Control Number: JD79-5747
API Well Number: 49-037-20961
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Great Divide Unit #1
Field: Great Divide
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 90 MMcf.

FERC Control Number: JD79-5748
API Well Number: 49-037-20859
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Hay Reservoir Unit 5
Field: Hay Reservoir
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: NA

FERC Control Number: JD79-5749
API Well Number: 49-037-20861
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Hay Reservoir Unit 4
Field: Hay Reservoir
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 270 MMcf.

FERC Control Number: JD79-5750
API Well Number: 49-037-20852
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Fair Federal #1
Field: Wildcat
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 90 MMcf.

FERC Control Number: JD79-5751
API Well Number: 49-037-20850
Section of NGPA: 102
Operator: Davis Oil Company
Well Name: Hay Reservoir Unit 2
Field: Hay Reservoir
County: Sweetwater
Purchaser: Panhandle Eastern Pipe Line Company
Volume: 270 MMcf.

FERC Control Number: JD79-5752
API Well Number: 49-037-20928
Section of NGPA: 107
Operator: Champlin Petroleum Company
Well Name: #5 Higgins 23-22
Field: Higgins
County: Sweetwater
Purchaser: Colo. Int. Gas Co.
Volume: 2800 MMcf.

FERC Control Number: JD79-5753
API Well Number: 25-071-21549
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 0661 USA Midlands & Miami Federal 1-6
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 84 MMcf.

The applications for determination in these proceedings together with a copy or description of other matrials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17998 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

El Paso Natural Gas Co. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Geological Survey, Conservation Div., Albuquerque, N. Mex.

FERC Control Number: JD79-6012
API Well Number: 30039078400000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: San Juan 30-4 Unit #1
Field: Blanco, East Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79-6013
API Well Number: 30039061760000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #25
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 10.0 MMcf.

FERC Control Number: JD79-6014
API Well Number: 30-029-21787
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 29-5 Unit #90
Field: Basin Dakota
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 167 MMcf.

FERC Control Number: JD79-6015
API Well Number: 30-039-21786
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 29-5 Unit #91
Field: Basin Dakota
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 191 MMcf.

FERC Control Number: JD79-6016
API Well Number: 30-045-22538
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: Cox Canyon Unit #24 Part
Field: Blanco PC
County: San Juan
Purchaser: Northwest Pipeline Corporation
Volume: 76 MMcf.

FERC Control Number: JD79-6017
API Well Number: 30-039-21807
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: S/J 29-6 #26A
Field: Blanco MV
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 62 MMcf.

FERC Control Number: JD79-6018
API Well Number: 30-039-21412
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 29-6 #27A
Field: Blanco MV
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 88 MMcf.

FERC Control Number: JD79-6019
API Well Number: 30-039-21493
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 30-5 #60
Field: Blanco MV
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 127 MMcf.

FERC Control Number: JD79-6020
API Well Number: 30-039-21440
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 29-6 #110
Field: Blanco PC
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 42 MMcf.

FERC Control Number: JD79-6021
API Well Number: 30-039-21494
Section of NGPA: 103
Operator: Northwest Pipeline Corporation
Well Name: San Juan 30-5 Unit #62
Field: Blanco MV
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 127 MMcf.

FERC Control Number: JD79-6022
API Well Number: 30-039-21498
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Tribal "C" 3-A
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Northwest Pipeline Corp.
Volume: 80.300 MMcf.

FERC Control Number: JD79-6023
API Well Number: 30-039-21499
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Tribal "C" 9-A
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Northwest Pipeline Corp.
Volume: 34.675 MMcf.

FERC Control Number: JD79-6024
API Well Number: 30-039-21510
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Tribal "C" 11-A
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Northwest Pipeline Corp.
Volume: 29.200 MMcf.

FERC Control Number: JD79-6025
API Well Number: 30-039-21377
Section of NGPA: 103
Operator: Consolidated Oil & Gas, Inc.
Well Name: Tribal "C" 2-A-6
Field: Blanco Mesaverde
County: Rio Arriba
Purchaser: Northwest Pipeline Corp.
Volume: 219.000 MMcf.

FERC Control Number: JD79-6026
API Well Number: 30039211730000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #280
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 10.0 MMcf.

FERC Control Number: JD79-6027
API Well Number: 30039067400000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Rincon Unit 13
Field: Blanco, South Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 13.1 MMcf.

FERC Control Number: JD79-6028
API Well Number: 30039209310000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #270
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 14.0 MMcf.

FERC Control Number: JD79-6029
API Well Number: 30039207290000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #195
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 5.0 MMcf.

FERC Control Number: JD79-6030
API Well Number: 30039209620000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #267
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas CompanyVolume: 9.1 MMcf.

FERC Control Number: JD79-6031
API Well Number: 30039207590000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #209
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79-6032
API Well Number: 30039207600000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #210
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 15.0 MMcf.

FERC Control Number: JD79-6033
API Well Number: 30039208990000
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Canyon Largo Unit #243
Field: Ballard Pictured Cliffs Gas
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 8.4 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection,

except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17991 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

Exxon Corp. et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Railroad Commission of Texas

FERC Control Number: JD79-4962
API Well Number: 42 261 30233
Section of NGPA: 103
Operator: Exxon Corporation
Well Name: MRS, S. K. East Well No. 86-D 77139
Field: Rita (7-E, II)
County: Kenedy
Purchaser: Natural Gas Pipeline Company
Volume: 183 MMcf.

FERC Control Number: JD79-4963
API Well Number: 177134003300D1
Section of NGPA: 102
Operator: Mobil Oil Corporation
Well Name: South Pelto Block 10 9A
Field: NA
County: NA
Purchaser: Transcontinental Gas P/L Corp.
Volume: 3,650 MMcf.

FERC Control Number: JD79-4964
API Well Number: 1771040671D1
Section of NGPA: 102
Operator: Continental Oil Company
Well Name: Eugene Island 307, A-7
Field: NA
County: NA
Purchaser: Michigan-Wisconsin Pipeline
Volume: 1,900 MMcf.

FERC Control Number: JD79-4965
API Well Number: 177124013500D2
Section of NGPA: 102
Operator: CNG Producing Company
Well Name: A-15D2
Field: NA
County: NA
Purchaser: Consolidated Gas Supply Corp.
Volume: 765 CNG WI MMcf. 1550 Gross
FERC Control Number: JD79-4966
API Well Number: 25 071 21579
Section of NGPA: 102
Operator: Midlands Gas Corporation
Well Name: 2961 1-29 SOC EtAL Federal
Field: Bowdoin
County: Phillips
Purchaser: Kansas-Nebraska Natural Gas Co., Inc.
Volume: 60 MMcf.

FERC Control Number: JD79-4967
API Well Number: 43-043-30003
Section of NGPA: 103
Operator: American Quasar Petroleum Co.
Well Name: Pineview 4-4S
Field: 2-2N-7E 909.1 FSL 823.8 FEL
County: Summit
Purchaser: Moutain Fuel Supply Co.
Volume: 180 MMcf.

FERC Control Number: JD79-4968
API Well Number: 05-103-8003
Section of NGPA: 103
Operator: Chamcellor & Ridgeway
Well Name: #32-1 Federal
Field: Cathedral NW SE SEC. 32-T2S-R101W
County: Rio Blanco
Purchaser: Western Slope Gas Company
Volume: 200 MMcf.

The applications for determination in these procedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17993 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CI78-256; et al.]

Getty Oil Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

June 1, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 8, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI78-256, C, Mar. 19, 1979	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	United Gas Pipe Line Co., South Timbalier block 146, offshore Louisiana.	(1)	15.025
CI79-401, E, Apr. 3, 1979	Multistate Oil Properties, N.V. (successor in interest to the Shenandoah Oil Corp.) P.O. Box 2511, Houston, Tex. 77001.	Zenith Gas System, Inc., Aetna Gas Area, Barber County, Tex.	(2)	14.65

[1] Applicant is filing under contract dated 10-1-77, amended by Amendatory Agreement dated 1-3-79.
[2] Multistate is acquiring this property from Shenandoah as of 3-26-79 and requests that both temporary and permanent certificates be effective as of 3-26-79, to continue the service previously rendered by Shenandoah under Docket No. CS71-354.

Filing code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79—16002 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CP79-308]

Iowa-Illinois Gas & Electric Co.; Application

May 29, 1979.

Take notice that on May 15, 1979, Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP79-308 an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate approximately 0.17 mile of six-inch replacement pipeline within the City of Iowa City, Iowa and for permission and approval to abandon in place approximately 0.16 mile of four-inch pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place approximately 0.16 mile of four-inch pipeline which is a portion of approximately 1.40 miles of predominently four-inch pipeline heretofore certificated by the Commission in Docket No. G-303 and constructed in 1933 to supply Applicant's Benton Street Station located within the boundaries of Iowa City, Iowa. It is stated that the facilities to be abandoned would be mechanically cut from the remaining facilities, purged and capped, meeting the requirements of the U.S. Department of Transportation, Office of Pipeline Safety.

It is indicated that Applicant also proposes to construct approximately 0.17 mile of six-inch replacement pipeline within Iowa City, Iowa. The replacement pipeline would be constructed within the same private and adjacent public street right-of-way as the facilities proposed to be physically abandoned, it is stated. Applicant states that after installation of the replacement pipeline, 15,120 Mcf per day of natural gas would be transported, an increase in capacity of 720 Mcf per day over the 14,400 Mcf per day capability of the existing pipeline. Applicant indicates that the proposal herein is necessitated by residential development along Benton Street which over time has so changed the grade that the facilitites may be of a depth insufficient for prudent and reliable service. Increased flow capability and pressure level maintenance at this location would be required to meet future load and to provide adequate are reliable service in this section of Iowa City, it is asserted.

Applicant estimates that the cost of the proposed pipeline is $19,869 which would be financed from funds now on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17985 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

James F. Scott; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 15, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

FERC Control Number: JD79-4889
API Well Number: 47-033-1243
Section of NGPA: 103
Operator: James F. Scott
Well Name: Louisa C. Robinson No. 1
Field: Eagle
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 20.1 MMcf.

FERC Control Number: JD79-4890
API Well Number: 47-033-1100
Section of NGPA: 103
Operator: James F. Scott
Well Name: IRA Frittro No. 2
Field: Coal
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 16.8 MMcf.

FERC Control Number: JD79-4891
API Well Number: 47-033-1155
Section of NGPA: 103
Operator: James F. Scott
Well Name: Flowers Lindsey
Field: Sardis
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 71.2 MMcf.

FERC Control Number: JD79-4892
API Well Number: 47-033-1154
Section of NGPA: 103
Operator: James F. Scott
Well Name: Consolidation Coal Co.
Field: Coal
County: Harrison

Purchaser: Consolidated Gas Supply Corp.
Volume: 27.9 MMcf.

FERC Control Number: JD79-4893
API Well Number: 47-033-1153
Section of NGPA: 103
Operator: James F. Scott
Well Name: Joseph Hammond No. 2
Field: Eagle
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.7 MMcf.

FERC Control Number: JD79-4894
API Well Number: 47-033-1150
Section of NGPA: 103
Operator: James F. Scott
Well Name: Southern No. 2
Field: Sardis
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 40.7 MMcf.

FERC Control Number: JD79-4895
API Well Number: 47-033-1145
Section of NGPA: 103
Operator: James F. Scott
Well Name: M. Morrison No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 47.7 MMcf.

FERC Control Number: JD79-4896
API Well Number: 47-033-1144
Section of NGPA: 103
Operator: James F. Scott
Well Name: M. Morrison No. 2
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 18.2 MMcf.

FERC Control Number: JD79-4897
API Well Number: 47-033-1234
Section of NGPA: 103
Operator: James F. Scott
Well Name: E. Southern No. 3
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 52.7 MMcf.

FERC Control Number: JD79-4898
API Well Number: 47-033-1131
Section of NGPA: 103
Operator: James F. Scott
Well Name: S. Southern No. 1
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.8 MMcf.

FERC Control Number: JD79-4899
API Well Number: 47-033-1136
Section of NGPA: 103
Operator: James F. Scott
Well Name: J. T. Williams No. 3
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 28.7 MMcf.

FERC Control Number: JD79-4900
API Well Number: 47-041-2529
Section of NGPA: 103
Operator: James F. Scott
Well Name: I. P. Simmons
Field: Freemans Creek District
County: Lewis
Purchaser: Consolidated Gas Supply Corp.
Volume: 30 MMcf.

FERC Control Number: JD79-4901
API Well Number: 47-041-2528
Section of NGPA: 103
Operator: James F. Scott
Well Name: A. P. White
Field: Freemans Creek District
County: Lewis
Purchaser: Consolidated Gas Supply Corp.
Volume: 3.6 MMcf.

FERC Control Number: JD79-4902
API Well Number: 47-041-2526
Section of NGPA: 103
Operator: James F. Scott
Well Name: Hornbeck
Field: Hackers Creek District
County: Lewis
Purchaser: Consolidated Gas Supply Corp.
Volume: 1.1 MMcf.

FERC Control Number: JD79-4903
API Well Number: 47-033-1954
Section of NGPA: 103
Operator: James F. Scott
Well Name: W. A. Morrison
Field: Hardis
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25. MMcf.

FERC Control Number: JD79-4904
API Well Number: 47-033-1946
Section of NGPA: 103
Operator: James F. Scott
Well Name: James H. Williams
Field: Eagle District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 20. MMcf.

FERC Control Number: JD79-4905
API Well Number: 49-033-1687
Section of NGPA: 103
Operator: James F. Scott
Well Name: Frances Coffman
Field: Eagle District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 7.4 MMcf.

FERC Control Number: JD79-4906
API Well Number: 47-033-1244
Section of NGPA: 103
Operator: James F. Scott
Well Name: J. A. Swiger No. 1
Field: Eagle District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 33.4 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of those final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-17993 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. CI78-409]

The Louisiana Land & Exploration Co.; Application for Certificate of Public Convenience and Necessity

June 1, 1979.

On April 16, 1979, The Louisiana Land and Exploration Company (Applicant) filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce to Transco Gas Supply Company. This sale will be from Applicant's interest in gas produced from acreage located in Ship Shoal Area, Block 272 Field Gulf of Mexico. Applicant proposes to sell the subject gas at $2.116 per Mcf at 15.025 psia. Additionally Applicant seeks pre-granted abandonment from the requested certificate for all gas qualifying for deregulation under the Natural Gas Policy Act of 1978. Applicant's application is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on this application if no petitions to intervene are filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificate or the authorization for the

proposed abandonment is required by public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17999 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

Marion Gas Co., et al.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 15, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

West Virginia Department of Mines, Oil and Gas Division

FERC Control Number: JD79-4907
API Well Number: 47-035-1004
Section of NGPA: 108
Operator: Marion Gas Company
Well Name: Casto No. 1
Field: Ripley
County: Jackson
Purchaser: Consolidated Gas and Supply Co.
Volume: 13 MMcf.

FERC Control Number: JD79-4908
API Well Number: 47-035-1020
Section of NGPA: 108
Operator: Marion Gas Company
Well Name: Sokolow No. 1
Field: Ripley
County: Jackson
Purchaser: Consolidated Gas and Supply Co.
Volume: MMcf.

FERC Control Number: JD79-4909
API Well Number: 47-035-0905
Section of NGPA: 108
Operator: Shinn Gas Company
Well Name: Shinn No. 1
Field: NA
County: NA
Purchaser: Consolidated Gas and Supply Co.
Volume: 6 MMcf.

FERC Control Number: JD79-4910
API Well Number: 47-035-997
Section of NGPA: 108
Operator: Shinn Gas Company
Well Name: Shinn No. 2
Field: Ripley
County: Jackson
Purchaser: Consolidated Gas and Supply Co.
Volume: 5 MMcf.

FERC Control Number: JD79-4911
API Well Number: 47-035-0847
Section of NGPA: 108
Operator: Phillips Gas Company
Well Name: Phillips No. 1
Field: Ripley
County: Jackson
Purchaser: Consolidated Gas and Supply Co.
Volume: 5 MMcf.

FERC Control Number: JD79-4912
API Well Number: 47-035-891
Section of NGPA: 108
Operator: Phillips Gas Company
Well Name: Phillips No. 2
Field: Ripley
County: Jackson
Purchaser: Consolidated Gas and Supply Co.
Volume: 5 MMcf.

FERC Control Number: JD79-4913
API Well Number: 47-059-0674
Section of NGPA: 108
Operator: C. F. Shewey
Well Name: George Dempsey Well No. 1
Field: Tug River
County: Mingo
Purchaser: Columbia Gas Transmission Corp.
Volume: 6.495 MMcf.

FERC Control Number: JD79-4914
API Well Number: 47-059-0066
Section of NGPA: 108
Operator: C. F. Shewey
Well Name: Naugatuck Lease, M. Collier
Field: Tug River
County: Mingo
Purchaser: Columbia Gas Transmission Corp.
Volume: 4.624 MMcf.

FERC Control Number: JD79-4915
API Well Number: 47-059-0773
Section of NGPA: 108
Operator: C. F. Shewey
Well Name: Mt Sterling Well
Field: Tug River
County: Mingo
Purchaser: Columbia Gas Transmission Corp.
Volume: 7.369 MMcf.

FERC Control Number: JD79-4916
API Well Number: 47-033-1096
Section of NGPA: 103
Operator: James F. Scott
Well Name: J. Gerrard
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 94.0 MMcf.

FERC Control Number: JD79-4917
API Well Number: 47-033-1101
Section of NGPA: 103
Operator: James F. Scott
Well Name: Ira Frittro No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 153.2 MMcf.

FERC Control Number: JD79-4918
API Well Number: 47-033-1108
Section of NGPA: 103
Operator: James F. Scott
Well Name: T. P. Reynolds No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 43.6 MMcf.

FERC Control Number: JD79-4919
API Well Number: 47-033-1109
Section of NGPA: 103
Operator: James F. Scott
Well Name: T. P. Reynolds No. 2
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 68.9 MMcf.

FERC Control Number: JD79-4920
API Well Number: 47-033-1110
Section of NGPA: 103
Operator: James F. Scott
Well Name: T. P. Reynolds No. 3
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 34.3 MMcf.

FERC Control Number: JD79-4921
API Well Number: 47-033-1113
Section of NGPA: 103
Operator: James F. Scott
Well Name: T. P. Reynolds No. 4
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 42.6 MMcf.

FERC Control Number: JD79-4922
API Well Number: 47-033-1123
Section of NGPA: 103
Operator: James F. Scott
Well Name: M. H. Alfred No. 2
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 15.9 MMcf.

FERC Control Number: JD79-4923
API Well Number: 47-033-1129
Section of NGPA: 103
Operator: James F. Scott
Well Name: M. H. Alfred No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 70.7 MMcf.

FERC Control Number: JD79-4924
API Well Number: 47-033-1130
Section of NGPA: 103
Operator: James F. Scott
Well Name: Gore Corporation
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 75.0 MMcf.

FERC Control Number: JD79-4925
API Well Number: 47-033-1094
Section of NGPA: 103
Operator: James F. Scott
Well Name: A. J. Hammond
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 119.6 MMcf.

FERC Control Number: JD79-4926
API Well Number: 47-033-1059
Section of NGPA: 103
Operator: James F. Scott
Well Name: W. C. Morrison No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 45.7 MMcf.

FERC Control Number: JD79-4927
API Well Number: 47-033-1074
Section of NGPA: 103
Operator: James F. Scott
Well Name: Tilton T. Carter No. 1
Field: Clark District

County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.4 MMcf.

FERC Control Number: JD79-4928
API Well Number: 47-033-1075
Section of NGPA: 103
Operator: James F. Scott
Well Name: Tilton T. Carter No. 2
Field: Clark District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.4 MMcf.

FERC Control Number: JD79-4929
API Well Number: 47-033-1080
Section of NGPA: 103
Operator: James F. Scott
Well Name: P. Hornor
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 71.8 MMcf.

FERC Control Number: JD79-4930
API Well Number: 47-033-1085
Section of NGPA: 103
Operator: James F. Scott
Well Name: B. Brown
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 48.9 MMcf.

FERC Control Number: JD79-4931
API Well Number: 47-033-1141
Section of NGPA: 103
Operator: James F. Scott
Well Name: Joseph Hammond No. 1
Field: Eagle District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 25.7 MMcf.

FERC Control Number: JD79-4932
API Well Number: 47-033-1143
Section of NGPA: 103
Operator: James F. Scott
Well Name: S. Boggess No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 33.7 MMcf.

FERC Control Number: JD79-4933
API Well Number: 47-033-1203
Section of NGPA: 103
Operator: James F. Scott
Well Name: C. T. Lively
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 71.4 MMcf.

FERC Control Number: JD79-4934
API Well Number: 47-033-1185
Section of NGPA: 103
Operator: James F. Scott
Well Name: J. H. Mines No. A-1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: MMcf.

FERC Control Number: JD79-4935
API Well Number: 47-033-1161
Section of NGPA: 103
Operator: James F. Scott
Well Name: N. R. Morrison
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 64.4 MMcf.

FERC Control Number: JD79-4936
API Well Number: 47-017-1855
Section of NGPA: 103
Operator: Pittsburg Tube Company
Well Name: C. Underwood No. 2
Field: Grant District
County: Doddridge
Purchaser: Consolidated Gas Supply Corp.
Volume: 29.2 MMcf.

FERC Control Number: JD79-4937
API Well Number: 47-033-1051
Section of NGPA: 103
Operator: James F. Scott
Well Name: John Williams No. 2
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 47.3 MMcf.

FERC Control Number: JD79-4938
API Well Number: 47-033-1039
Section of NGPA: 103
Operator: James F. Scott
Well Name: John Williams No. 1
Field: Coal District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 47.3 MMcf.

FERC Control Number: JD79-4039
API Well Number: 47-033-1054
Section of NGPA: 103
Operator: James F. Scott
Well Name: Ellen Bates
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 79.0 MMcf.

FERC Control Number: JD79-4940
API Well Number: 47-033-1103
Section of NGPA: 103
Operator: James F. Scott
Well Name: William G. Plant
Field: Sardis District
County: Harrison
Purchaser: Consolidated Gas Supply Corp.
Volume: 19.1 MMcf.

FERC Control Number: JD79-4941
API Well Number: 47-013-2-1735-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: A. Gherke No. 1
Field: Sycamore Millstone
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 3.438 MMcf.

FERC Control Number: JD79-4942
API Well Number: 47-007-1064
Section of NGPA: 108
Operator: Braxton Oil and Gas Corporation
Well Name: Carrie Posey No. 1
Field: Heaterss
County: Braxton
Purchaser: Equitable Gas Company
Volume: 3.1 MMcf.

FERC Control Number: JD79-4943
API Well Number: 47-087-2-0966-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: T. Morris, Perot No. 2
Field: Clover Rush Run
County: Roane
Purchaser: H. C. Boggs Natural Gas Co.
Volume: 3.123 MMcf.

FERC Control Number: JD79-4944
API Well Number: 47-013-2-2471-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: Woodrow Knotts No. 2
Field: Orma
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 8.928 MMcf.

FERC Control Number: JD79-4945
API Well Number: 47-013-2-1393-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: D. O. Chenoweth No. 2
Field: Orma
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 6.920 MMcf.

FERC Control Number: JD79-4946
API Well Number: 47-007-1041
Section of NGPA: 108
Operator: Braxton Oil and Gas Corp.
Well Name: Jamison No. 1
Field: Chapel German
County: Braxton
Purchaser: Consolidated Gas Supply Corp.
Volume: 4 MMcf.

FERC Control Number: JD79-4947
API Well Number: 47-013-2-1766-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: J. D. Kendall No. 1
Field: Sycamore Millstone
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 4.607 MMcf.

FERC Control Number: JD79-4948
API Well Number: 47-013-2-1362-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: W. A. Downey No. 2
Field: Orma
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 10.289 MMcf.

FERC Control Number: JD79-4949
API Well Number: 47-013-0-1355-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: John R. Lockney No. 1
Field: Sycamore Millstone
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 2.450 MMcf.

FERC Control Number: JD79-4950
API Well Number: 47-013-2-2437-0000
Section of NGPA: 108
Operator: William L. Heeter
Well Name: Downey Lockney No. 3
Field: Orma
County: Calhoun
Purchaser: Consolidated Gas Supply Corp.
Volume: 8.897 MMcf.

The applications for determinations in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of

Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17994 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP73-91]

McCulloch Interstate Gas Corp.; Filing of Material Supplementing PGA Filing

May 31, 1979.

Take notice that McCulloch Interstate Gas Corporation tendered for filing proposed changes in its F.P.C. Gas Tariff, Original Volume No. 1. The proposed changes ar to:

(1) Tariff Sheet No. 28 of McCulloch Interstate's F.E.R.C. Gas Tariff Original Volume No. 1, amending it to reflect new effective dates of May 1 and November 1, established for McCulloch Interstate by F.E.R.C. Order Nos. 13 and 13-A;

(2) Original Sheet No. 31A, F.P.C. Gas Tariff Original Volume No. 1, adopting and setting forth within McCulloch Interstate's P.G.A.C. a provision reflecting McCulloch Interstate's treatment of carrying charges in conformance with F.E.R.C. Order No. 13-A; and

(3) Seventeenth Revised Sheet No. 32 adjusting the 144.30¢ tariff rate previously filed for on March 30, 1979, herein to reflect a carrying charge increase of .72¢ and a Currently Effective Tariff Rate of 145.02¢ in accordance with the provisions of F.E.R.C. Order No. 13-A. Appended thereto and, by reference, incorporated therein was filed by McCulloch, Table VI. (MuCulloch Interstate Gas Corporation Calculation of Carrying Charge Applicable to Account 191, Unrecovered Purchased Gas Costs.)

The proposed changes are made in response to communications with the Commission's Staff advising McCulloch Interstate that its PGA filing, to be effective May 1, 1979, required supplementation.

Copies of the filing were served upon McCulloch Interstate's jurisdictional customer by mailing copies of documents to Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17996 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

Mesa Petroleum Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

U.S. Department of the Interior Geological Survey

FERC Control Number: JD79-6247
API Well Number: 30-045-22980
Section of NGPA: 103
Operator: Mesa Petroleum Company
Well Name: Federal 16A
Field: Blanco Mesaverde
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 91 MMcf.

FERC Control Number: JD79-6248
API Well Number: 30-045-22589
Section of NGPA: 103
Operator: Mesa Petroleum Company
Well Name: State Com No. 41
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 86 MMcf.

FERC Control Number: JD79-6249
API Well Number: 30-045-22202
Section of NGPA: 103
Operator: Mesa Petroleum Company
Well Name: Suter Com No. 5
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 219 MMcf.

FERC Control Number: JD79-6250
API Well Number: 30-045-21508
Section of NGPA: 103
Operator: Mesa Petroleum Company
Well Name: Otero Federal No. 5
Field: Basin Dakota
County: Rio Arriba
Purchaser: El Paso Natural Gas Company
Volume: 90 MMcf.

FERC Control Number: JD79-6251
API Well Number: 30-015-22396
Section of NGPA: 103
Operator: Mesa Petreoleum Company
Well Name: White City Fed "10" Com No. 1
Field: White City (Penn)
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 11,966 MMcf.

FERC Control Number: JD79-6252
API Well Number: 30-045-22207
Section of NGPA: 108
Operator: Dugan Production Corp.
Well Name: Ben Franklin No. 2
Field: Gallegos Fruitland South
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 4.8 MMcf.

FERC Control Number: JD79-6253
API Well Number: 30-045-22921
Section of NGPA: 103
Operator: Blackwood and Nichols Co., Ltd.
Well Name: Northeast Blanco Unit No. 66
Field: Blanco Mesaverde
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 250 MMcf.

FERC Control Number: JD79-6254
API Well Number: 02-001-20228
Section of NGPA: 103
Operator: Energy Reserves Group, Inc.
Well Name: Navajo Tribal "O" No. 5
Field: Teec Nos Pos
County: Apache County
Purchaser: El Paso Natural Gas Company
Volume: 21 MMcf.

FERC Control Number: JD79-6255
API Well Number: 30-015-22149
Section of NGPA: 103
Operator: Yates Petroleum Corporation
Well Name: Brainerd IO Fed. No. 1
Field: Wildcat Cisco
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 24.110 MMcf.

FERC Control Number: JD79-6256
API Well Number: 30-045-09178
Section of NGPA: 108
Operator: Dugan Production Corporation
Well Name: Carpenter No. 1
Field: Basin DK
County: San Juan
Purchaser: Northwest Pipeline Corp.
Volume: 6.0 MMcf.

FERC Control Number: JD79-6257
API Well Number: 30-045-21736
Section of NGPA: 108
Operator: Dugan Production Corporation
Well Name: Chaco Plant No. 1
Field: WaW Fruitland PC
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 8.2 MMcf.

FERC Control Number: JD79-6258
API Well Number: 30-045-08861
Section of NGPA: 108
Operator: Dungan Production Corporation
Well Name: Federal I No. 3

Field: Basin DK
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 1.9 MMcf.

FERC Control Number: JD79-6259
API Well Number: 30-015-22127
Section of NGPA: 103
Operator: Yates Petroleum Corporation
Well Name: Federal AB Com No. 2
Field: Eagle Creek Permo Penn
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 130.320 MMcf.

FERC Control Number: JD79-6260
API Well Number: 30-015-22390
Section of NGPA: 103
Operator: Yates Petroleum Corporation
Well Name: Federal AB Com No. 4
Field: Undesignated Morrow
County: Eddy
Purchaser: El Paso Natural Gas Company
Volume: 810.790 MMcf.

FERC Control Number: JD79-6261
API Well Number:
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 61
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79-6262
API Well Number:
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 56
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 9 MMcf.

FERC Control Number: JD79-6263
API Well Number: 30-045-07026
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 31
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 7 MMcf.

FERC Control Number: JD79-6264
API Well Number:
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 10
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15 MMcf.

FERC Control Number: JD79-6265
API Well Number: 30-045-07089
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 12
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 12 MMcf.

FERC Control Number: JD79-6266
API Well Number: 30-045-07045
Section of NGPA: 108
Operator: Energy Reserves Group, Inc.
Well Name: Gallegos Canyon Unit P. C. No. 4
Field: W. Kutz P. C.
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 19 MMcf.

FERC Control Number: JD79-6267
API Well Number: 30-039-21485
Section of NGPA: 103
Operator: Consolidated Oil and Gas, Inc.
Well Name: Champlin 5-A
Field: Blanco Mesa Verde
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 35.098 MMcf.

FERC Control Number: JD79-6268
API Well Number: 30-039-21389
Section of NGPA: 103
Operator: Consolidated Oil and Gas, Inc.
Well Name: Champlin 2-A-5
Field: Blanco Mesa Verde
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: 104.025 MMcf.

FERC Control Number: JD79-6269
API Well Number: 30-045-13250
Section of NGPA: 108
Operator: R & G Drilling Company
Well Name: Phillips No. 27
Field: Kutz Farmington
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 6.9 MMcf.

FERC Control Number: JD79-6270
API Well Number:
Section of NGPA: 108
Operator: R & G Drilling Company
Well Name: Graham No. 35
Field: South Blanco PC
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11.9 MMcf.

FERC Control Number: JD79-6271
API Well Number:
Section of NGPA: 108
Operator: R & G Drilling Company
Well Name: Hammond No. 37
Field: South Blanco PC
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 9.5 MMcf.

FERC Control Number: JD79-6272
API Well Number: 30-045-22885
Section of NGPA: 103
Operator: R & G Drilling Company
Well Name: Schlosser No. 66
Field: Kutz Farmington
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 86.2 MMcf.

FERC Control Number: JD79-6273
API Well Number: 30-045-22859
Section of NGPA: 103
Operator: R & G Drilling Company
Well Name: Krause No. 65
Field: Kutz Fruitland
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 52.9 MMcf.

FERC Control Number: JD79-6274
API Well Number: 30-045-22920
Section of NGPA: 103
Operator: R & G Drilling Company
Well Name: Hardie No. 68
Field: Fulcher Kutz Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 11.5 MMcf.

FERC Control Number: JD79-6275
API Well Number: 30-045-22855
Section of NGPA: 103
Operator: R & G Drilling Company
Well Name: Scholosser No. 63
Field: Kutz Fruitland
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 87.0 MMcf.

FERC Control Number: JD79-6276
API Well Number: 30-045-13305
Section of NGPA: 108
Operator: Benson Montin Greer Drilling Corp.
Well Name: Foster Riddle No. 7
Field: Ballard Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 17 MMcf.

FERC Control Number: JD79-6277
API Well Number: 30-045-05420
Section of NGPA: 108
Operator: Benson Montin Greer Drilling Corp.
Well Name: Foster Riddle No. 6
Field: Ballard Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 8 MMcf.

FERC Control Number: JD79-6278
API Well Number: 30-045-05421
Section of NGPA: 108
Operator: Benson Montin Greer Drilling Corp.
Well Name: Foster Riddle No. 1
Field: Ballard Pictured Cliffs
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 15 MMcf.

FERC Control Number: JD79-6279
API Well Number: 30-045-22856
Section of NGPA: 103
Operator: R & G Drilling Company
Well Name: Krause No. 64
Field: Kutz Fruitland
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 6.9 MMcf.

FERC Control Number: JD79-6280
API Well Number: 30-045-21264
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Russell 11
Field: Blanco
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 16.8 MMcf.

FERC Control Number: JD79-6281
API Well Number: 30-045-11057
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Mudge 22
Field: Basin Dakota Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 10.0 MMcf.

FERC Control Number: JD79-6282
API Well Number: 30-045-10940
Section of NGPA: 108

Operator: El Paso Natural Gas Company
Well Name: Judge 16
Field: Basin Dakota Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 3.0 MMcf.

FERC Control Number: JD79-6283
API Well Number: 30-045-10577
Section of NGPA: 108
Operator: El Paso Natural Gas Company
Well Name: Mudge 17
Field: Basin Dakota Gas
County: San Juan
Purchaser: El Paso Natural Gas Company
Volume: 19.3 MMcf.

FERC Control Number: JD79-6284
API Well Number: 30-039-21138
Section of NGPA: 108
Operator: John D. Schalk
Well Name: Schalk 29-4 No. 3
Field: Gobernador Pictured Cliffs
County: Rio Arriba
Purchaser: Northwest Pipeline Corporation
Volume: MMcf.

The applications for determination in these procedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17932 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP75-82]

Michigan Wisconsin Pipe Line Co. and Columbia Gas Transmission Corp.; Joint Petition To Amend

June 1, 1979.

Take notice that on April 20, 1979, Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226 and Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP75-82 a joint petition to amend the order of January 17, 1975, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the quantity of natural gas from Vermilion Area Block 182, offshore Louisiana, which Mich Wisc would exchange with Columbia, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.[1]

Mich Wisc was authorized by the Commission in an order issued on January 17, 1975 to deliver a maximum daily volume of 5,000 Mcf of natural gas to Sea Robin Pipeline Company (Sea Robin) for the account of Columbia at a point of receipt in East Cameron Area Block 181, offshore Louisiana. The deliveries made by Mich Wisc at the Block 181 receipt point are attributable to gas supplies purchased by Mich Wisc from the Vermilion Area Block 182 field, offshore Louisiana.

It is asserted that in order to provide for the increased deliverability attributable to the development program for the Block 182 field, Mich Wisc and Columbia have entered into an amendment to the exchange agreement, dated February 8, 1979, which provides for an increase in the maximum daily quantity of gas which Mich Wisc can deliver to Sea Robin for the account of Columbia from 5,000 Mcf to 15,000 Mcf, an increase of 10,000 Mcf per day.

Petitioners state that as consideration for exchanging gas with Columbia, Mich Wisc would reimburse Columbia for its *pro rata* share of the transportation charges which Columbia is obligated to pay Sea Robin under the transportation agreement between the parties which are attributable to the deliveries made by Mich Wisc to Sea Robin for the account of Columbia at the Block 181 receipt point. In the event Columbia is given a credit under the transportation agreement for underruns occurring in any month which are attributable to deliveries made at the Block 181 receipt point, Columbia would credit Mich Wisc's account on an allocated basis.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17997 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. RP79-70]

Oklahoma Natural Gas Gathering Corp.; Pipeline Rates: Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Waiver, Granting Intervention, and Establishing Procedures

Issued May 31, 1979.

Before Commissioners: Don S. Smith, Acting Chairman; Georgiana Sheldon, and Matthew Holden, Jr.

On May 1, 1979, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing proposed changes in its F.E.R.C. tariffs.[1] The proposed changes would increase the level of its jurisdictional rates by 6.71 cents per Mcf, which would provide an increase of $635,864 in revenues from jurisdictional sales based on the actual data for the 12-month period ending December 31, 1978, adjusted for known and measurable changes in costs and revenues for the 9-month period ending September 30, 1979. Gathering Corporation states that the increased rates are necessary because of increased cost in operation and maintenance expenses and declining sales volumes.

Public notice of the filing was issued on May 4, 1979, providing for protests or petitions to intervene to be filed on or before May 18, 1979. A timely petition to intervene was filed by Cities Service Gas Company on May 17, 1979. The Commission finds that the petitioner has demonstrated an interest in this proceeding warranting its participation, and the petition shall therefore be granted.

Based on a review of Gathering Corporation's filing the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall suspend the effectiveness of the proposed rates for one day, until June 2, 1979, at which time they will be permitted to go into effect upon motion made pursuant to the Natural Gas Act. We shall also set the matter for hearing.

[1] Original Volume No. 1: Seventeenth Revised Sheet PGA-1, Fifth Revised Sheet No. 4, and Fifth Revised Sheet No. 59.

Gathering Corporation has not submitted with its filing an Opinion of an Independent Public Accountant as required under § 154.63(e)(6) of the Commission's Regulations. Since the test year for the rate filing is the same period contained in Gathering Corporation's annual report, Gathering Corporation requests that the Accountant's Opinion in the annual report be incorporated and the requirement of § 154.63(e)(6) be waived. The Commission finds that good cause exists for granting such waiver and accordingly grants Gathering Corporation's request for waiver of § 154.63(e)(6).

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Gathering Corporation.

(B) Pending hearing and decision, Gathering Corporation's Seventeenth Revised Sheet PGA–1, Fifth Revised Sheet No. 4, and Fifth Revised Sheet No. 59 to Original Volume No. 1 are accepted for filing and suspended for one day until June 2, 1979, when they shall be permitted to become effective subject to refund, upon motion filed by Gathering Corporation in accordance with the provisions of the Natural Gas Act.

(C) For good cause shown, Gathering Corporation's request for waiver of § 154.63(e)(6) is granted.

(D) Cities Service Gas Company is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of Cities Service Gas Company shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and, *Provided, further,* that the admission of Cities Service Gas Company shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(E) The Commission Staff shall prepare and serve top sheets on all parties on or before September 4, 1979.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17960 Filed 6-8-79; 8:45 am]
BILLING CODE 6450-01-M

Shell Oil Co.; Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

June 1, 1979.

On May 18, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

State of Louisiana, Department of Natural Resources, Office of Conservation

FERC Control Number: JD79–6034
API Well Number: 1772120304
Section of NGPA: 102
Operator: Shell Oil Co.
Well Name: SPB 27 04 RA SU; SL 1007 No. B–10
Field: South Pass Block
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 70 MMcf.

FERC Control Number: JD79–6035
API Well Number: 1707522315
Section of NGPA: 102
Operator: Transco Exploration Company
Well Name: LL&E No. 1
Field: Lake Washington
County: Plaquemines Parish
Purchaser: Transcontinental Gas Pipe Line Corp.
Volume: 4.950 MMcf.

FERC Control Number: JD79–6036
API Well Number: 1772120299
Section of NGPA: 103
Operator: Shell Oil Co.
Well Name: SL 1007 No. 39
Field: South Pass Block 24
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 70 MMcf.

FERC Control Number: JD79–6037
API Well Number: 1707522447
Section of NGPA: 103
Operator: Shell Oil Co.
Well Name: SL 1388 No. 22
Field: South Pass Block 24
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 30 MMcf.

FERC Control Number: JD79–6038
API Well Number: 1772120282
Section of NGPA: 103
Operator: Shell Oil Co.
Well Name: VUC; State O'Brien U C No. 26
Field: South Pass Block 24
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 30 MMcf.

FERC Control Number: JD79–6039
API Well Number: 1772120269
Section of NGPA: 103
Operator: Shell Oil Co.
Well Name: SL 1012 No. 284
Field: South Pass Block 27
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 150 MMcf.

FERC Control Number: JD79–6040
API Well Number: 1772120302
Section of NGPA: 102
Operator: Shell Oil Co.
Well Name: SPB 24 T, RC SU; SL 1008 No. 129
Field: South Pass Block 24
County: Plaquemines
Purchaser: Tennessee Gas Pipeline Co.
Volume: 250 MMcf.

FERC Control Number: JD79–6041
API Well Number: NA
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Union Producing #11
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 8.0 MMcf.

FERC Control Number: JD79–6042
API Well Number: NA
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Union Production #12
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Company
Volume: 4.0 MMcf.

FERC Control Number: JD79–6043
API Well Number: 1706720103
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F–39
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 6.9 MMcf.

FERC Control Number: JD79–6044
API Well Number: 1706720038
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta Fee #40
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 3.3 MMcf.

FERC Control Number: JD79–6045
API Well Number: 1706720104
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F–41
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 4.0 MMcf.

FERC Control Number: JD79–6046
API Well Number: 1706720039
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta # FEE 42

Field: Monroe gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 2.2 MMcf.

FERC Control Number: JD79-6047
API Well Number: 1706700435
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #47
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 6.2 MMcf.

FERC Control Number: JD79-6048
API Well Number: 1706720153
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F-78
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 18.6 MMcf.

FERC Control Number: JD79-6049
API Well Number: 1706720182
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name:
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 9.5 MMcf.

FERC Control Number: JD79-6050
API Well Number: 1706720183
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F-81
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 8.8 MMcf.

FERC Control Number: JD79-6051
API Well Number: 1706720211
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F-89
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 12.4 MMcf.

FERC Control Number: JD79-6052
API Well Number: 1706720212
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F-90
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 9.5 MMcf.

FERC Control Number: JD79-6053
API Well Number: 1706720214
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta #F-92
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 4.4 MMcf.

FERC Control Number: JD79-6054
API Well Number: 1706720235
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Tensas Delta F-93
Field: Monroe Gas Field
County: Morehouse
Purchaser: Mid Louisiana Gas Company
Volume: 11.3 MMcf.

FERC Control Number: JD79-6055
API Well Number: 1711100411
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Union Producing #1
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: .7 MMcf.

FERC Control Number: JD79-6056
API Well Number: 1711100435
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Union Producing #2
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 7.3 MMcf.

FERC Control Number: JD79-6057
API Well Number: 1711100434
Section of NGPA: 108
Operator: IMC Exploration Company
Well Name: Union Producing #3
Field: Monroe Gas Field
County: Union
Purchaser: Mid Louisiana Gas Company
Volume: 6.2 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 26, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17990 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 199; Docket No. E-9110]

South Carolina Public Service Authority; Offer of Settlement

May 31, 1979.

Take notice that on March 16, 1979, South Carolina Public Service Authority (SCPSA) filed an offer of settlement concerning SCPSA's application relating to three canals constructed by Mr. Henry Rickenbaker. The offer of settlement was certified to the Commission by the Presiding Administrtive Law Judge on March 29, 1979.

If accepted and approved by the Commission, the offer of settlement would resolve all of the outstanding issues in this proceeding. This settlement was reached after evidentiary hearings were held.

In its offer of settlement, SCPSA proposes to ensure that certain measures are undertaken to protect the environmental resources of the affected project lands and waters. A water quality monitoring study and a shoreline erosion control plan at the Rickenbaker canals will also be undertaken. Residential development of lands outside the project boundary will also occur along the canals except for the upper twenty five percent of Canal No. 2.

Anyone desiring to be heard or to make any protest about this offer of settlement should file his comments with the Federal Energy Regulatory Commission on or before June 26, 1979. In determining the appropriate action to take, the Commission will consider all comments and protests filed. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The offer of settlement is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17998 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP76-469]

United Gas Pipe Line Co.; Petition To Amend

June 1, 1979.

Take notice that on May 17, 1979, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-469 a petition to amend the order of October 10, 1976 [1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of additional volumes of gas for Sea Robin Pipeline Company (Sea Robin), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of October 10, 1976, in the instant docket, Petitioner was granted authorization to transport 15,200 Mcf of natural gas per day for Sea Robin produced in West Cameron Block 586, offshore Louisiana, and 4,700 Mcf of natural gas per day from the West

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Cameron 532/533 reserves. Petitioner states that since that time, the reserves in Blocks 281 East Cameron and 532/533 West Cameron Areas have been unitized by the United States Geological Survey.

The petition states that Sea Robin has acquired the right to purchase volumes of natural gas produced from West Cameron Block 563 (West Cameron Reserves), offshore Louisiana, and that in order for Sea Robin to receive this supply of natural gas into its system for redelivery to its customers, Petitioner and Southern Natural Gas Company, Sea Robin has requested Petitioner to establish new delivery points at Block 281 East Cameron Area and Block 550 West Cameron Area in order to transport, on a firm basis, up to 56,100 Mcf per day from the West Cameron reserves and 4,700 Mcf per day from the East Cameron reserves. Petitioner requests authorization to transport this 60,800 Mcf of natural gas per day pursuant to an amendment dated April 10, 1979, to two previous gas transportation agreements between Petitioner and Sea Robin, from points of receipt [2] on Stingray Pipeline Company's (Stingray) existing offshore pipeline system in Block 281 East Cameron Area and Blocks 533, 595 and 550 West Cameron Area. Natural Gas Pipeline Company of America (Natural) would redeliver equal volumes to Petitioner for Sea Robin's account at the Henry Delivery Point, Vermilion Parish, Louisiana.

Petitioner states that for the subject transportation services Sea Robin would pay Petitioner a monthly transportation charge, which would be the contract demand times the sum of (i) the unit transportation rate payable by contract and (ii) the rate payable by Petitioner to Natural pursuant to Article III.1 (a)(ii) and (iii) of the Natural agreement, and all charges in the amount heretofore and which may hereafter be made effective pursuant to the Natural Gas Act, attributable to the Contract Demand, Article IV.4 of the Stingray Contract and Article III.3 and 4 of the Natural Agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-17967 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

[2] It is indicated that Sea Robin would deliver or cause the subject gas to be delivered to Stingray for Petitioner's account at one of the following points:

(i) Stingray's line in Block 595 West Cameron Area, offshore Louisiana, for delivery of a total maximum daily volume of 6,100 Mcf,

(ii) Stingray's line in Block 550 West Cameron Area, offshore Louisiana, for delivery of a total maximum daily volume of 50,000 Mcf,

(iii) On producers' platforms in Block 281 East Cameron and Blcok 533 West Cameron Areas, offshore Louisiana, for a delivery of a total maximum daily volume of 4,700 Mcf, and

(iv) In order to enable Sea Robin to utilize fully its Contract Demand, at such other mutually agreeable points as Petitioner's may from time to time have the right to have gas transported by Stingray under the Stingray Contract, in addition to such volumes, if any, which Petitioner may otherwise stipulate for delivery at such points.

[Project No. 2545]

The Washington Water Power Co.; Partial Settlement Agreement

May 31, 1979.

Take notice that a Partial Settlement Agreement was submitted for certification to the Commission by joint motion of all parties dated March 12, 1979. The parties to the Partial Settlement Agreement include: Washington Water Power Company, Coeur d'Alene Indian Tribe, Secretary of the Interior and Commission Staff Counsel. The Partial Settlement Agreement was certified to the Commission on March 22, 1979 by Presiding Administrative Law Judge Michael Levant.

Under the Partial Settlement Agreement, the Washington Water Power Company agrees, *inter alia*, to submit an application to include its Post Falls development (Coeur d'Alene Lake) within the license for Project No. 2545. The remaining issues in the proceeding will be adjudicated pursuant to hearings set by the Presiding Administrative Law Judge's order of March 22, 1979.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 20, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-19000 Filed 6-8-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF TRANSPORTATION

[FRL 1242-8]

Federal Assistance Limitation Required by Notice of Proposed Policy and Procedures

AGENCIES: Environmental Protection Agency and Department of Transportation.

ACTION: Notice of proposed policy and procedures memorandum.

SUMMARY: The purpose of this document is to set forth policy and procedures for meeting the Federal assistance limitations in Section 176(a) of the Clean Air Act. The procedures are to be applied to certain EPA and DOT activities in nonattainment areas or portions thereof, as designated under Section 107(d) of the Clean Air Act, where transportation control measures are needed to attain the primary national ambient air quality standards.

DATE: Written comments are due on or before July 11, 1979.

ADDRESSES: Submit written comments, preferably in triplicate, to:.

FHWA Docket No. 79-20, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh St. SW., Washington, D.C. 20590,
and
Office of Transportation and Land Use Policy (ANR-445), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

All comments received will be avilable for examination by any interested person at the above addresses.

FOR FURTHER INFORMATION CONTACT: Ali Sevin, Urban Planning Division, Federal Highway Administration, (202) 426-0215; Reid Alsop, Office of Chief Counsel, Federal Highway Administration, (202) 426-0800; or John O. Hidinger, Director, Office of Transportation and Land Use Policy, Environmental Protection Agency, (202) 755-0480. Office hours for FHWA are 7:45 a.m. to 4:15 p.m., ET, Monday through Friday. Office hours for EPA are

8:00 a.m. to 4:30 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice issues for public review and comment proposed Federal policy and procedures and decisions limiting Federal assistance for activities eligible for funding under the Clean Air Act, 42 U.S.C. 7401, *et seq.*, and for transportation-related activities under Title 23, U.S.C., Highways. The policy seeks to establish consistent procedures for insuring that the requirements in Section 176(a) of the Clean Air Act are met in nonattainment areas where transportation control measures are needed to attain national primary ambient air quality standards.

The proposed procedures give recognition to the respective roles and responsibilities of the Department of Transportation (DOT) and Environmental Protection Agency (EPA) in applying the funding and project approval limitations under Section 176(a) of the Act for failure to submit, or make reasonable efforts toward submitting, a revised State Implementation Plan (SIP).

In order to insure that final action on this proposed policy and procedural memorandum can be taken by July 1, 1979, EPA and DOT have determined that a 30-day public comment period is warranted.

Issued on: June 5, 1979.

John J. Fearnsides,

Assistant Secretary for Policy and International Affairs, Department of Transportation.

David G. Hawkins,

Assistant and Administrator for Air, Noise and Radiation, Environmental Protection Agency.

The proposed policy and procedures memorandum follows:

EPA/DOT Proposed Policy

Subject: Policy and Procedures for Applying Federal Assistance Limitations in Section 176(a) of the Clean Air Act.

From: David G. Hawkins, Assistant Administrator for Air, Noise and Radiation, Environmental Protection Agency. Karl S. Bowers, Federal Highway Administrator, Department of Transportation.

Memo to: EPA Regional Administrators, Regions I–X, Regional Federal Highway Administrators, Regions 1–10.

Purpose of Memorandum

The purpose of this memorandum is to outline policy and procedures which will be used for applying the Federal assistance limitations in Section 176(a) of the Clean Air Act in nonattainment areas where transportation control measures are needed to attain primary national ambient air quality standards. This memorandum outlines minimum policy and procedural requirements and allows regional offices some discretion and flexibility to develop, in consultation with affected agencies, more specific procedures for review and resolution of issues at the regional level.

Section 176(a) of the Clean Air Act requires that project approvals and grants authorized by the Clean Air Act and Title 23, United States Code, must be withheld from air quality control regions where transportation control measures are necessary to attain national ambient air quality standards if the EPA Administrator finds after July 1, 1979 (and after July 1, 1982, in cases where an extension of the attainment deadline has been authorized) that a Governor has not submitted a plan which considers each of the elements required by Section 172 of the Act, or is not making reasonable efforts to submit such a plan. The only exception to this Federal assistance limitation is that safety, mass transit and transportation improvement projects related to air quality attainment or maintenance may be approved and funded.

Applicability of the Federal Assistance Limitation

The policy established under Section 176(a) applies in all air quality control regions containing nonattainment areas where transportation control measures are needed to attain air quality standards. Within these areas, the finding authorized by Section 176(a) must be made with respect to all State Implementation Plan (SIP) revisions for transportation-related pollutants.

The EPA Administrator's finding authorized by Section 176(a) initially must be made after July 1, 1979, for all SIPs to be submitted and revised as part of the January 1979 SIP submittal. The limitation on Federal assistance will only apply if the Administrator finds that the stipulation in Section 176(a) has not been met, that is, that the Governor has not submitted a plan which considers each of the required elements or is not making reasonable efforts to submit such a plan. If the Administrator initially finds that reasonable efforts are being made, that finding may be reversed if the Governor ceases or delays efforts to submit the SIP in an expeditious manner. If a need for extension of the attainment deadline beyond 1982 has been demonstrated and authorized under Section 172(a)(2), another finding may be made after July 1, 1982.

EPA must promulgate SIPs for nonattainment areas which fail to submit an approvable plan. However, since Section 176(a) specifies that the Governor must submit a plan, an existing or new EPA promulgation for transportation-related pollutants will not satisfy this requirement. The Federal assistance limitation may be avoided if the Governor either: (1) Certifies that he adopts the EPA promulgation and submits the written evidence required by Sections 172(b)(7) and 172(b)(10); or (2) certifies that the State will revise the SIP to satisfy the requirement in Section 176(a) and demonstrates continuing, good faith efforts toward submittal.

The limitation on Federal assistance required by Section 176(a) will be applied to the geographic areas under the control of the government agency directly responsible for the failure to comply with this section and with authority to remedy the failure. Generally, the area affected will be the air quality control region (AQCR). However, EPA will consider applying the Federal assistance limitations to portions of an AQCR or only to specific agencies if the purpose of the limitation would be better served through more selective application.

Criteria for Determining Whether the Federal Assistance Limitation Is Applicable

The language of Section 176(a) and its legislative history indicate that the limitation will not be imposed if a reasonable program which considers each of the elements in Section 172 is submitted or good faith efforts to submit such a plan are demonstrated.

The EPA Administrator is the person charged with responsibility for determining whether the plan submitted considers each of the required elements or if good faith efforts are being made. In his February 24, 1978 memorandum entitled, "Criteria for Approval of 1979 SIP Revisions," (43 FR 21673–21677, May 19, 1978; See also, EPA General Preamble for Proposed Rulemaking, 44 FR 20372–20380, April 4, 1979), the Administrator outlined the procedural and substantive requirements under Section 172. The finding authorized in Section 176(a)(3) will be based on these criteria and other guidance issued by EPA clarifying these criteria (e.g., Transportation-Air Quality Planning Guidelines, SIP Checklists, etc. For a complete listing of EPA guidance, see 44 FR 8311, February 9, 1979).

Adequate consideration of all the required elements in Section 172 includes an affirmative duty to establish a transportation-air quality planning process, to investigate and compile data on the required elements, including data

on control strategies needed to attain air quality standards, and a further duty to incorporate that data into a reasoned analysis of the requirements. The scope of the analysis must be commensurate with the scope and severity of the air quality problem. If the SIP submitted evidences a good faith effort to consider and incorporate the required elements in a manner consistent with the intent and purpose of the Act, no funds or project approvals will be withheld under Section 176(a).

The EPA Administrator may approve a schedule for implementing an inspection and maintenance program as part of the 1979 SIP revision. In addition, the Administrator may approve work programs or schedules for analyzing other transportation control measures, including milestones for completing additional studies and incorporating selected control strategies into the SIP (e.g., work program for completing alternatives analysis and developing implementation schedules for selected measures) as part of the 1979 SIP revision. In such cases, if the Administrator finds that the responsible State and local agencies are not complying with work programs and milestones, or reasonable efforts to comply are not being made, then the Federal assistance limitation will be applied.

In cases where a finding is made that the plan does not adequately consider the required elements, or where no plan is submitted, the question of whether good faith efforts are being made will need to be examined. This decision will be made on a case-by-case basis and rely on evidence submitted by the Governor demonstrating that he is moving toward submittal of an adequate plan in an orderly and expeditious manner.

Procedures for Applying Federal Assistance Limitations

The EPA Regional Administrator will be responsible for making the initial determination that the SIP submitted or efforts being made to submit the SIP satisfy the requirements in Section 176(a). Where the EPA Regional Administrator finds that reasonable efforts are not being made, EPA has agreed to coordinate with the Federal Highway Administration (FHWA) of the Department of Transportation (DOT) using the following procedures for applying the Federal assistance limitations:

1. After July 1, 1979, the EPA Regional Administrator will compile a proposed list of those areas where a SIP revision considering each of the Section 172 elements has not been submitted or where reasonable efforts toward submittal are not being made. This list will include the boundaries of areas where the Federal assistance limitations are to be imposed.

2. The proposed list will be sent to the appropriate FHWA Regional Office for review and comment. EPA will notify affected agencies. The EPA Regional Administrator will meet with appropriate State and local agencies to discuss the reasons for failure to make the requisite good faith efforts. DOT (generally, FHWA and Urban Mass Transportation Administration) Regional/Divisional representatives will be asked to participate. If a satisfactory agreement to correct the situation cannot be reached within one month from the beginning of negotiations, the EPA Regional Administrator will send the proposed list, with supporting rationale and documentation, to the EPA Headquarters' offices in the form of a Federal Register package (special action). Negotiations may continue at the local level or expand to the national level.

3. EPA will publish proposed initial section 176(a) findings in the Federal Register between September 1 and October 31, 1979. A docket will be established under section 307(d) of the Clean Air Act and a 30 day public comment period will be provided.

4. As of the date of publication of the proposed findings in the Federal Register, the FHWA will not approve programs or award grants (i.e., issue authorizations to proceed with work on projects) other than for safety, mass transit and transportation improvement projects related to air quality improvement or maintenance for those areas included in the proposed notice. Similarly, the EPA Regional Administrator will, under 40 CFR Part 30, withhold or suspend EPA air grant awards (except for those potential excepted activities identified below).

5. Final Section 176(a) findings will be promulgated within one month after the end of the comment period. These findings will be binding in subsequent EPA individual grant appeal hearings under 40 CFR 30.1100.

6. After publication of the proposed Section 176(a) findings, FHWA Division Administrators will provide FHWA and EPA Regional Administrators with information on those exempt projects advanced in areas affected by the Federal assistance limitation. Procedures for this notification will be jointly negotiated by EPA and FHWA Regional/Divisional Administrators.

7. Removal from the promulgated list shall be by Federal Register notice (special action initiated by EPA Regional Administrator) and a 30-day public comment period will be provided prior to final action. Normally, this can be done at the same time EPA proposes approval of the SIP. Although it can also be done when reasonable efforts have been demonstrated, absent an approvable SIP submittal, removal on this basis should be done only in rare cases. Funding limitations shall remain in effect until such time as the EPA Regional Administrator notifies DOT that the funding limitation is no longer applicable.

8. If EPA initially found that reasonable efforts to submit a plan were being made, the procedures outlined above will apply whenever the EPA Regional Administrator finds that reasonable efforts to submit a plan are no longer being made. Similarly, where a SIP has been approved which includes schedules or work programs for completing additional planning or analytical studies and incorporating selected control strategies into the SIP, the procedures outlined above will apply whenever the EPA Regional Administrator finds that reasonable efforts to comply with these schedules in a timely manner are not being made.

9. The procedures outlined above will also apply to any finding made by EPA after July 1, 1982, with respect to the 1982 SIP revision required in areas unable to attain air quality standards by 1982.

10. Whenever EPA grants are limited under Section 176(a), an escrow account will be established in the name(s) of the applicant(s) and an amount equal to the funds being withheld will be deposited in that account. These funds shall not be allocated to any other applicant, but will be disbursed to the original applicant(s) when the EPA Regional Administrator finds that efforts to comply with the requirements in Section 176(a) are being made. If such efforts have not commenced within one year of the date of the final finding, the funds will be made available for general disbursement. However, if the applicant has appealed the denial or suspension of funds under this section, the funds must be held in escrow until completion of administrative or legal proceedings.

Scope of the Federal Assistance Limitation

The following definitions, which have been developed jointly by EPA and DOT, are provided to guide determining which projects may be approved or

grants awarded under Title 23, U.S.C., in an area under a funding limitation:

1. *Safety Projects* are those which are proposed for construction to correct existing safety hazards, to replace bridges or to eliminate high hazard locations and roadside obstacles. These improvements include such items as intersection channelization, increasing sight distance, widening narrow pavements, shoulder improvements, adding medians, skid treatments, widening or reconstructing bridges, changes in vertical or horizontal alignment, railroad highway crossing warning devices, traffic signals, guardrails, median barriers, crash cushions, and emergency relief projects authorized under 23 U.S.C. 125. Typically, these projects require little or no additional right-of-way and are highly cost-effective when construction costs are compared to savings in accident costs.

2. *Mass Transit Projects* are those projects which provide funds for planning assistance, operating assistance, or capital assistance for mass transit services, equipment and facilities, and include related facilities and services such as fringe parking lots and high occupancy vehicle lanes.

3. *Transportation Improvement Projects Related to Air Quality Improvement or Maintenance* are transportation and air quality planning and research studies carried out under Section 134 and 307, Title 23, U.S.C.; those projects which have been included in an approved transportation control portion of an SIP; or those projects which are specifically identified as transportation measures related to air quality improvement or maintenance in an annual element of a current Transportation Improvement Program which has been reviewed by EPA under the EPA/DOT Memorandum of Understanding (June 1978) and EPA has not submitted negative comments on the transportation measures to DOT.

The Section 176(a) funding limitations are not applicable to transportation projects administered by UMTA under Title 49, U.S.C. Similarly, the EPA Regional Administrator has discretion to continue to award grants available under the Clean Air Act to State and local air quality control agencies if he finds such grants are necessary for immediate air quality benefits or development of SIP revisions.

Exemption of a transportation project from the Section 176(a) Federal assistance limitation does not waive any applicable requirements under the National Environmental Policy Act (e.g., Environmental Impact Statement) or Section 176(c) of the Clean Air Act (conformity requirement).

[FR Doc. 79-17972 Filed 6-8-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1244-1]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on April 20, 1979, the Environmental Protection Agency received an application from Monitor Labs, Inc., San Diego, CA, to determine if its Model 8310 Carbon Monoxide Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the Federal Register.

Tom Murphy,
Acting Assistant Administrator for Research and Development.

June 5, 1979.

[FR Doc. 79-18109 Filed 6-8-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1244-2]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to SO_2 equivalent method number EQSA-0876-013 (Federal Register Vol. 41, page 36245, August 27, 1976). While the designation number of the method remains the same, the method identification is amended to read as follows:

EQSA-0876-013, "Monitor Labs Model 8450 Sulfur Monitor", operated on a range of either 0-0.5 ppm or 0-1.0 ppm, a 5 second time constant, a model 8740 hydrogen sulfide scrubber in the sample line, with or without any of the following options:

BP—Bipolar Signal Processor
V—Zero/Span Valves
VT—Zero/Span Valves and Timer
TF—TFE Sample Particulate Filter
IZS—Internal Zero/Span Module
CLO—Current Loop Output
DO—Status Remote Interface

This method is available from Monitor Labs, Incorporated, 10180 Scripps Ranch Blvd., San Diego, California 92131.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (41 FR 36245, August 27, 1976). As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975, (40 FR 7042).

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (41 FR 36245) or by writing to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Technical questions concerning the method should be directed to the manufacturer.

June 5, 1979.

Tom Murphy
Acting Assistant Administrator for Research and Development.

[FR Doc. 79-18110 Filed 6-8-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1243-6; OPP-180298]

Arkansas State Plant Board and Oregon Department of Agriculture; Specific Exemptions To Use Triforine To Control Mummyberry on Blueberries

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemptions.

SUMMARY: EPA has issued specific exemptions to the Arkansas State Plant Board and the Oregon Department of Agriculture (hereafter referred to by State individually or as the "Applicants" collectively) to use triforine (Funginex EC) to control mummyberry on two acres of blueberries in Arkansas and 500 acres in Oregon. The specific exemptions end on July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Mummyberry is caused

by the fungus *Monilinia vaccinii corymbosi*. Primary infection by ascospores takes place early in the spring just as the leaf and flower buds begin to grow. These ascospores are released from spore cups that develop from mummified fruit. Spore cup emergence coincides with the emergence of the young susceptible tissues of the plant.

Mummies are a result of the disease from the previous crop and have overwintered on or near the surface of the soil beneath the bushes. Infected blossoms and leaves turn brown and wither as a result of these primary infections. The fungus then produces a second spore type on these infected tissues. These are blown onto remaining blossoms where secondary infection takes place on the developing pistil of the flowers. These flower infections remain undetected until the fruit begins to enlarge. The infected fruit turns off-color and usually drops to the ground before healthy berries mature. These mummified fruits persist through the winter and act as a source of the fungus for the primary infection the following spring.

Currently there are four fungicides registered for the control of the primary infection stage: benomyl, captan, ferbam, and ziram. The Applicants referred to data which indicated that these fungicides are relatively ineffective in controlling primary infections of this disease. Cultural practices have also not been successful in comercial planting. However, triforine (N,N-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]-bis[formamide]) appeared to be efficacious in suppressing this pathogen. Triforine is registered in the United States under the trade name Funginex EC. Arkansas stated that the major benefit to blueberry growers would be the eradication of mummyberry to prevent its spread to other plantings. Arkansas claimed that losses from the two-acre planting could be as much as $4,000. Oregon claimed that losses could reach a value of $375,000 in that State, if an effective fungicide was not available this growing season.

Arkansas proposed to use Funginex EC at a maximum rate of 20 fluid ounces of formulation per application for a maximum of five applications. Oregon proposed four applications at a rate of 24 fluid ounces of formulation each and a fifth, if needed, at the rate of 16 fluid ounces of formulation. EPA has determined that residues of triforine from this use should not exceed 0.1 part per million (ppm). This level has been deemed adequate to protect the public health. Based on the low toxicity, short half-life, and low application rate, no serious hazards to fish and wildlife are expected.

After reviewing the applications and other available information, EPA has determined that (a) a pest outbreak of *Monilinia* mummyberry is likely to occur this year on blueberries in Arkansas and Oregon; (b) there is no effective pesticide presently registered and available for use to control this pest in these States; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicants have been granted specific exemptions to use the pesticide noted above until July 30, 1979, to the extent and in the manner set forth in the applications. The specific exemptions are subject to the following conditions:

1. The product Funginex EC, EPA Reg. No. 21137–4, may be applied;

2. The total acreage treated in Arkansas will not exceed two acres. The total acreage treated in Oregon will not exceed 500 acres;

3. Ground application may be made in Arkansas. In Oregon, ground or aerial application may be made. In Arkansas, triforine will be applied at a rate of 16–20 ounces per acre. In Oregon, triforine will be applied at a maximum rate of 24 ounces of formulation per acre.

4. A maximum of five applications may be made. The first application may be made at bud break. Thereafter, applications may be made at seven- to ten-day intervals, with the last application at full bloom;

5. In Arkansas, a maximum of 200 fluid ounces of Funginex may be used. In Oregon, a maximum of 469 gallons of product may be used;

6. A minimum of 60 days will elapse between the last application of triforine and harvest;

7. Applications of this pesticide will be made by State-licensed commercial applicators or, in Oregon, by State-certified private applicators. Information pertaining to timing, rates, and procedures will be made available to the applicators through the Arkansas Extension specialists and the Oregon State University Extension Service;

8. Harvested blueberries with a triforine residue level not exceeding 0.1 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

9. All applicable directions, restrictions, and precautions on the product label must be followed;

10. The EPA will be immediately informed of any adversre effects resulting from the use of triforine in connection with these exemptions; and

11. Arkansas and Oregon are each responsible for assuring that all of the provisions of its specific exemption are met and must submit a report summarizing the results of its program by October 30, 1979

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: June 4, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs

[FR Doc. 79-18107 Filed 6-8-79 8:45 am]

BILLING CODE 6560-01-M

[FRL 1244-8; OPP-00097]

Pesticide Programs; Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; Open Meeting

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9 a.m. to 4:30 p.m. on Friday, June 29, 1979. The meeting will be held in Salon F, Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Va., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS–766). Room 803, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., Telephone: 703/557–7560.

SUPPLEMENTARY INFORMATION: In accordance with section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact of regulatory actions under section 6(b) and 25(a) on health and the environment prior to implementation. On the agenda for this meeting are:

1. Completion of Panel review of Agency's position to cancel uses of pesticide products containing dibromochloropropane (DBCP); and

2. In addition, the Agency may present status reports on other ongoing

programs of the Office of Pesticide Programs.

Copies of Agency documents may be obtained by contacting Mr. Jeff Kempter, Special Pesticides Review Division (TS-791), Room 711, Crystal Mall, Building No. 2, at the address given above (Telephone: 703/557-7973).

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone number listed above to be sure that the meeting is still scheduled and to confirm the agenda items. Interested persons are permitted to file written statements before or after the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit the required number of copies of a summary no later than June 27, 1979.

Individuals who wish to file written statements are advised to contact the Executive Secretary in a timely manner to be instructed on the format and the number of copies to submit to ensure appropriate consideration by the Panel.

The tentative date for the next Scientific Advisory Panel meeting is July 19-20, 1979.

(Sec. 25(d) of FIFRA, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: June 6, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-18103 Filed 6-8-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1243-5; OPP-180303]

Rhode Island Department of Environmental Management; Specific Exemption To Use Triforine To Control Mummyberry on Blueberries

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has issued a specific exemption to the Rhode Island Department of Agriculture (hereafter referred to as the "Applicant") to use triforine (Funginex EC) to control mummyberry on 45 acres of blueberries in Rhode Island. The specific exemption ends on July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-2691. It is suggested that interested persons telephone before coming to EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Mummyberry is caused by the fungus *Monilinia vaccinii corymbosi.* Primary infection by ascospores takes place early in the spring just as the leaf and flower buds begin to grow. These ascospores are released from spore cups that develop from mummified fruit. Spore cup emergence coincides with the emergence of the young susceptible tissues of the plant.

Mummies are a result of the disease from the previous crop and have overwintered on or near the surface of the soil beneath the bushes. Infected blossoms and leaves turn brown and wither as a result of these primary infection. The fungus then produces a second spore type on these infected tissues. These are blown onto remaining blossoms where secondary infection takes place on the developing pistils of the flowers. These flower infections remain undetected until the fruits begin to enlarge. The infected fruits turn off-color and usually drop to the ground before healthy berries mature. These mummified fruits persist through the winter and act as a source of the fungus for the primary infection the following spring.

Currently there are four fungicides registered for the control of the primary infection stage: benomyl, captan, ferbam, and ziram. Data indicate that these fungicides are relatively ineffective in controlling primary infections of this disease. Cultural practices have also not been successful in commercial planting. However, triforine (N,N-[1,4-piperazine-diylbis (2,2,2-trichloroethylidene)]-bis-[formamide]) appeared to be efficacious in suppressing this pathogen. Triforine is registered in the United States under the trade name Funginex EC. It was estimated by Rhode Island that the economic loss might be as much as three-quarters of the State's crop valued at $50,625, if an effective fungicide was not available this growing season.

The Applicant proposed to use Funginex EC at a maximum rate of 0.3 pound active ingredient (a.i.) per acre, in a maximum of three applications. EPA has determined that residues of triforine from this use should not exceed 0.1 part per million (ppm). This level has been deemed adequate to protect the public health. Based on the low toxicity, short half-life, and low application rate, no serious hazards to fish and wildlife are expected.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *Monilinia* mummyberry has occurred or is likely to occur this year on blueberries in Rhode Island; (b) there is no effective pesticide presently registered and available for use to control this pest in Rhode Island; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is subject to the following conditons:

1. The product Funginex EC, EPA Reg. No. 21137-4, may be applied;

2. A maximum of 45 acres may be treated with ground equipment;

3. Triforine will be applied at a rate of 0.3 pound a.i. in 20 to 50 gallons of water per acre;

4. A maximum of three applications may be made. The first may be applied at first shootgrowth. Thereafter, application may be made at seven- to ten-day intervals;

5. A minimum of 60 days will elapse between the last application of triforine and harvest;

6. Applications of this pesticide will be made by State-licensed commercial applicators or State-certified private applicators.

7. Harvested blueberries with a triforine residue level not exceeding 0.1 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. All applicable directions, restrictions, and precautions on the product label must be followed;

9. The EPA will be immediately informed of any adverse effects resulting from the use of triforine in connection with these exemptions and;

10. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1979.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136.)

Dated: June 4, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-18108 Filed 6-8-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Correction

In FR Doc. 79-17096, appearing on page 31711, in the issue of Friday, June 1, 1979, change the date appearing in the 14th line of the second paragraph which presently reads "June 13, 1979", to read "June 11, 1979".

BILLING CODE 1505-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

GSC Shipping Corporation, 260 Vanderbilt Avenue, Brentwood, NY 11717, Officer: Porfirio Delacruz, President.

Walter J. Trainor, 337-2nd Avenue, Massapequa Park, N.Y. 11762.

Lam Forwarding (Margaret O'Hallorans, d.b.a.), 330 East 49th Street, Apt. 9H, New York, NY 10017.

Dated: June 6, 1979.

By the Federal Maritime Commission.

Francis C. Hurney

Secretary.

[FR Doc. 79-18067 Filed 6-8-79; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 2, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 161-35.

Filing party: Patricia E. Byrne, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 161-35 modifies the basic agreement of the Gulf/United Kingdom Conference to conform to the requirements of General Order 7, Revised.

Agreement No. 10140-9.

Filing party: Patricia E. Byrne, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10140-9 modifies the basic agreement of the Gulf-United Kingdom Rate Agreement to provide enabling authority for the parties to subscribe to the Memorandum of Agreement of the Gulf Associated Freight Conferences, FMC No. 189.

Agreement No. 10140-10.

Filing party: Patricia E. Byrne, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10140-10 modifies the basic agreement of the Gulf-United Kingdom Rate Agreement to conform to the requirements of General Order 7, Revised.

Agreement No. 10182-4.

Filing Party: Patricia E. Byrne, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10182-4 modifies the basic agreement of the Eurogulf Self-Policing Agreement (1) to conform to the requirements of General Order 7, Revised; (2) to provide for the right of independent action by parties with respect to stipulated self-policing and related matters; and (3) to provide the optional authority of the parties to employ one or more neutral bodies to provide relevant self-policing and related services.

Agreement No. 10270-1.

Filing Party: Patricia E. Byrne, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Summary: Agreement No. 10270-1 modifies the basic agreement of the Gulf-European Freight Association to conform to the requirements of General Order 7, Revised.

Agreement No.: T-3808.

Filing Party: Robert W. Parkin, City Attorney, city of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3808 between the City of Long Beach (City) and Pacific Coast Cement Corporation (Corp.) provides for the 40-year lease of a certain parcel of land by the City to the Corp. as a site for construction of storage silos and other facilities for the receipt, handling, storage, and distribution of bulk cement, and for a nonexclusive preferential assignment of the remainder of said premises for the construction of a traveling ship unloader. By Order of the Federal Maritime Commission.

Dated: June 6, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-18068 Filed 6-8-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their

views on the question whether comsummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, or unsound banking practices." any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 2, 1979.

A. *Federal Reserve Bank of New York,* 33 Liberty Street, New York, New York 10045:

Citicorp. New York, New York (finance and insurance activities; California and Colorado): to engage, through its subsidiary, Citicorp Person-to-Person, Financial Center, Inc., in soliciting and making consumer installment personal loans (the "Ready Credit" program; formerly known as "Executive Loan Program") and the sale of credit life and accident and health insurance directly related to extensions of credit by Applicant's subsidiary. These activities would be conducted from offices at 707 Wilshire Blvd., Suite 5250, Los Angeles, California 90017, and #1 Market Tower, 3033 South Parker Road, Aurora, Colorado 80014, and the geographic area to be served is California.

B. *Federal Reserve Bank of Richmond,* 701 East Byrd Street, Richmond, Virginia 23261:

Southern Bankshares, Richmond, Virginia (data processing activities; Virginia): to engage, through its subsidiary, Charter Services, Inc., in data processing activities for the N.B. Bank of Richmond, located in Richmond, Virginia. These activities will include the processing of demand deposits, including overdraft protection, savings certificates of deposit, installment and commercial loans and general ledger. This will further include both batch and on-line processing. Such activities will be conducted at the offices of Charter Services, Inc., located at 3201 West Cary Street, Richmond, Virginia, 23221, and the geographic area to be served is the Richmond, Virginia area.

C. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

Harris Bankcorp, Inc., Chicago, Illinois (mortgage banking and insurance activities; Illinois): to engage, through its subsidiary, Harriscorp Finance, Inc., in mortgage banking activities, including making or acquiring for its own account first mortgage residential real estate loans, secured and unsecured installment loans and other extensions of credit (including through acceptance of drafts), primarily to individuals, and selling participation in (but not acting as underwriter, agent or broker with respect thereto) group mortgage and credit life and group mortgage and credit health and accident insurance coverage directly relating to such loans and other extensions of credit. These activities will be conducted from offices located at Harlem-Irving Plaza, 4216 N. Harlem Ave., Norridge, Illinois, and Ford City Office Plaza, 7601, S. Kostner Ave., Chicago, Illinois, and the geographic area to be served is the southwest and northwest quadrants of the six-county Chicago, Illinois Standard Metropolitan Statistical Area.

D. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

1. Torrington National Company, Torrington, Wyoming (insurance activities; Wyoming): to engage in the sale of life and accident and health insurance directly related to the extensions of credit made by First National Bank, torrington, Wyoming. These activities would be conducted on the bank's premises and the geographic area to be served is Goshen County, Wyoming.

2. Lenexa Bancshares, Lenexa, Kansas (personal property leasing activities; Kansas): to engage in personal property and equipment leasing activities, including leases of computer equipment, construction equipment, office furniture and fixtures, interconnect phone equipment, medical equipment and other business equipment, in transactions complying with the Board's Regulation Y. These activities would be conducted at an office at 12345 W. 95th St., Lenexa, Kansas 66215, and the geographic area to be served is the area within a radius of approximately 200 miles of Kansas City, Missouri.

E. *Other Federal reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 31, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18091 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1943(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 2, 1979.

A. *Federal Reserve Bank of Kansas City,* 925 Grand Avenue, Kansas City, Missouri 64198:

First-Union Corporation, Stillwater, Oklahoma (mortgage banking; Oklahoma): to engage, through its subsidiary, Consolidated Venture Capital, in the following activities: making or acquiring, for its own account, or for the account of others, loans and other extensions of credit (including issuing letters of credit and

accepting drafts), secured by liens on real property, including the servicing thereof, in the same manner as made and serviced by mortgage companies. These activities will be conducted from an office located at 808 South Maine, Stillwater, Oklahoma, and the geographic area to be served consists of Lincoln, Logan, Nobel, Pawnee, and Payne Counties, Oklahoma.

B. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (finance and insurance activities; California): to engage, through its subsidiary FinanceAmerica Corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit. Such activities will include but not be limited to making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property; and the offering of credit-related life, credit-related accident and disability insurance, and credit-related property insurance, in connection with extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted at an office at 2730 Bechelli Lane, Redding, California, and the geographic area to be served is California.

2. Bankamerica Corporation, San Francisco, California (finance and insurance activities; Louisiana): to engage, in the activities described in the preceding paragraph through the subsidiary there identified. These activities would be conducted from an office in Houma, Louisiana, and the geographic area to be served is Louisiana.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 31, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18092 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo),* directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 29, 1979.

A. *Federal Reserve Bank of New York,* 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (finance and insurance activities; Georgia): to engage, through its subsidiary Sunamerica Financial Corporation, in making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit-related insurance. These activities will be conducted at 855 Sunset Drive, Athens, Georgia, and the geographic area to be served is Athens, Georgia and its environs. This application is for the relocation of an established office within the same city and does not involve the commencement of a new activity.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 31, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18093 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, soley in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be sumitted in writing and received by the appropriate Federal Reserve Bank not later than July 5, 1979.

A. *Federal Reserve Bank of New York,* 33 Liberty Street, New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (finance and insurance activities; North Carolina): to engage, through its subsidiary Ritter Finance Company, Inc., of North Carolina, in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a consumer finance Company; making or acquiring for its own account or for the account of others, loans and other extensions of credit, including purchasing installment sales finance contracts, such as would be made by a sales finance company; Servicing any such loans and other extensions of

credit for any persons; acting as agent or broker for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit made by Ritter Finance Company, Inc., of North Carolina; acting as agent or broker for property damage and liability insurance insuring collateral securing loans and other extensions of credit made directly by Ritter Finance Company, Inc., of North Carolina; and reinsurance, through Ritter Life Insurance Company, of credit life and credit accident and health insurance which is directly related to extensions of credit made by Ritter Finance Company, Inc., of North Carolina. These activities will be conducted at offices located at 216 Ninth St., North Wilkesboo, North Carolina 28659, and 1720 Horner Blvd., Sanford, North Carolina 27330. The geographic area to be served consists of Alexander, Chatham, Harnett, Lee, Moore, Wilkes, and Yadkin Counties, North Carolina. This application is for the relocation of two established offices each within the same city and does not involve the commencement of a new activity.

B. *Federal Reserve Bank of Cleveland,* 1455 East Sixth Street, Cleveland, Ohio 44101:

Mellon National Corporation, Pittsburh, Pennsylvania (finance and insurance activities; Washington): to engage, through is subsidiary, Freedom Financial Services Corporation, Oak Brook, Illinois, in general consumer finance activities, including acting as insurance agent with respect to the sales of credit life insurance and credit accident and health insurace and credit property insurance directly related to extensions of credit made by freedom Financial Services Corporation. These activities will be conducted at Suite B, 2627 Ninth Avenue, S.W., Olympia, Washington 98502. The geographic area to be served is Olympia, Washington.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, June 4, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18094 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks of Florida, Inc.; Acquisition of Telecheck Atlanta, Inc.

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire through its wholly-owned subsidiary, Verifications Inc., Jacksonville, Florida, the assets of Telecheck Atlanta, Inc., Bethesda, Maryland.

Applicant proposes to engage, through Verifications, in the personal check verification business pursuant to a franchise agreement with Telecheck Services, Inc., Honolulu, Hawaii. In consideration for fees paid by a subscribing merchant, Verifications will authorize the merchant to accept certain personal checks tendered by customers in payment of goods and services. If a properly authorized check is subsequently dishonored, Verifications will be obligated to purchase the check from the merchant at face value.

These activities would be performed from an office of Applicant's subsidiary to be located in Tucker, Dekalb County, Georgia. The geographic areas to be served are Chambers County, Alabama, Aiken and Edgefield Counties, South Carolina, and most of the Northern and Central Counties of the State of Georgia. Verifications already performs these activities in Florida and in the counties on the Georgia-Florida border under a similar franchise agreement. Such activities have been determined by the Board by order to be closely related to banking.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically and questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1979.

Board of Governors of the Federal Reserve System, May 30, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18090 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Dauphin Deposit Corp.; Proposed Acquisition of Dauphin Life Insurance Co., Phoenix, Ariz.

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Dauphin Life Insurance Company, Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage *de novo* in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary, Dauphin Deposit Bank & Trust Company, Harrisburg, Pennsylvania. These activities would be performed from offices located in Phoenix, Arizona, and the geographic areas to be served are the south central Pennsylvania SMSA and the Lebanon, Pennsylvania area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and

received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 5, 1979.

Board of Governors of the Federal Reserve System, June 4, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18095 filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

First Railroad & Banking Co. of Georgia; Proposed Acquisition of Blount Financial Services, Inc.

First Railroad and Banking Company of Georgia, Augusta, Georgia has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire certain assets and receivables of Blount Financial Services, Inc., Maryville, Tennessee.

Applicant states that the proposed subsidiary would engage in the following activities: making and purchasing consumer installment loans, making mortage loans, selling credit life, credit accident and health insurance, and property insurance directly related to the making and purchasing of consumer installment loans and reinsuring such credit life, credit accident and health insurance, and property insurance policies. These activities would be performed from offices of Applicant's subsidiary in Clinton, Newport, Sevierville, and Lenior City, and Maryville, Tennessee, and the geographic areas to be served are Anderson, Loudon, Blount, Sevier, and Cocke Counties in east-central Tennessee. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse efffects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 29, 1979.

Board of Governors of the Federal Reserve System, May 31, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18096 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Fredericksburg Holding Co.; Formation of Bank Holding Company

Fredericksburg Holding Company, Fort Worth, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 92 per cent or more of the voting shares (less directors' qualifying shares) of Fredericksburg National Bank, Fredericksburg, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 29, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18098 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

First United Bancorporation, Inc.; Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 62.25 per cent of the voting shares of University Bank, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 30, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18097 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Kupka's, Inc.; Acquisition of Bank

Kupka's, Inc., Traer, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 39.2 percent or more of the voting shares of First Community Bank & Trust, Traer, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 4, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18099 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Swift County Financial Corp.; Proposed Acquisition of Swift County Agricultural Credit Association

Swift County Financial Corporation, Benson, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y [12 CFR § 225.4(b)(2)], for permission to acquire voting shares of Swift County Agricultural Credit Association, Benson, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of making loans and extensions of credit for agricultural purposes and discounting the loans at the Federal Intermediate Credit Bank. These activities would be performed from offices of Applicant's subsidiary in Benson, Minnesota, and the geographic area to be served is a fifteen mile radius from Benson, Minnesota. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1979.

Board of Governors of the Federal Reserve System, May 30, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18100 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares Inc.; Acquisition of Bank

Texas American Bancshares Inc., Fort Worth, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of Fredricksburg Financial Corporation, Fredricksburg, Texas, and thereby acquire 92% or more of the voting shares (less directors' qualifying shares) of Fredricksburg National Bank, Fredricksburg, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act [12 U.S.C. §1842(c)].

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 29, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 29, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-18101 Filed 6-8-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 5, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before June 29, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Maritime Commission

The FMC requests clearance of a material revision to 46 CFR Part 531 (General Order 38). The rules covering the filing of tariffs in the domestic offshore trade of the United States are being amended to require that ocean carrier tariffs contain provisions informing shippers of the right to file overcharge claims and of the time and method to be used by the carriers in response to such claims. The amendment also clarifies the statute of limitation period and brings it into conformance with statutory language contained in section 22 of the Shipping Act of 1916 (46 U.S.C. 821). The FMC estimates that approximately 282 carriers in the domestic trades with 260 tariffs on file will require 2 hours to amend each tariff.

The FMC requests clearance of a material revision to 46 CFR Part 536 (General Order 13). The rules covering the filing of tariffs in the foreign commerce of the United States are being amended to require that ocean carrier tariffs contain provisions informing shippers of the right to file overcharge claims and of the time and method to be used by the carriers in response to such claims. The amendment also clarifies the statute of limitation period and brings it into conformance with statutory language contained in Section 22 of the Shipping Act of 1916 (46 U.S.C. 821). The FMC estimates that approximately 1,015 carriers in the foreign commerce with approximately 2,500 tariffs on file will require 2 hours to amend each tariff.

FMC Reconsideration of Final Rule which was served on April 27, 1979, promulgated the revisions which have been incorporated in 46 CFR Part 531 (General Order 38) and 46 CFR Part 536 (General Order 13). Although the Reconsideration of Final Rule specified that the revisions become effective on

July 15, 1979, this effective date is contingent upon FMC's compliance with 44 U.S.C. 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed requirements are consistent with the provisions of section 3512. This notice represents the beginning of our review.

John M. Lovelady,

Assistant Director, Regulatory Reports Review.

[FR Doc. 79-18079 Filed 6-8-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Public Building Service

[GSA Order ADM 1095.1C]

Environmental Considerations in Decisionmaking

AGENCY: General Services Administration, Public Buildings Service.

ACTION: Proposed agency implementing procedures.

SUMMARY: This notice proposes internal agency procedures to be followed in implementing the requirements of section 102(2) of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321, *et seq.*); Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality"; and the Regulations issued by the Council on Environmental Quality (43 FR 55978).

DATE: Comments must be received on or before July 11, 1979.

ADDRESS: Comments should be addressed to General Services Administration (PRE), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, Office of Space Management, Public Building Service, General Services Administration, Washington, DC 20405.

Dated: June 4, 1979.

Robert L. Jones,

Acting Commissioner, Public Buildings Service.

GSA Order, Subject: Environmental Considerations in Decisionmaking

1. *Purpose.* This order provides for uniform procedures to be followed in implementing the laws, Executive orders, and directives concerning all major GSA actions that significantly affect the quality of the human environment, consistent with the basis statutory responsibilities governing GSA program operations. This order also provides a basis for the publication, by the Public Buildings Service, the Federal Property Resources Service and when required, of other service and staff office orders and instructions explicitly directed toward the particular functions, activities, and personnel of each organization.

2. *Cancellation.* ADM 1095.1B is canceled.

3. *Background.*

a. The laws, Executive orders, and directives to be implemented include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), hereinafter referred to as NEPA; Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality," as amended by Executive Order 11991 of May 24, 1977; the GSA Policy Manual, ch. 2-11 (ADM P 1000.2B) the GSA Delegations of Authority Manual, ch. 2-29 (ADM P 5450.39A) and the regulations issued by the Council on Environmental Quality (CEQ) for implementing section 102(2) of NEPA, hereinafter referred to as the Regulations, published in the Federal Register, November 29, 1978, 43 FR 55978.

b. Section 102 of NEPA directs all Federal agencies to the fullest extent possible (1) to utilize a systematic, interdisciplinary approach to ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on the human environment; (2) to identify and develop methods and procedures which will ensure that presently unquantified environmental amenties and values may be given appropriate consideration in decisionmaking along with economic and technical considerations; (3) to include in every recommendation or report on proposals for legislation, and other major Federal actions significantly affecting the quality of the human environment, a detailed environmental impact statement by the responsible official, and to integrate the NEPA process with agency planning to fully comply with Section 102[2](A thru I).

4. *Nature of revision.* This order reflects the expanded requirements of the new Regulations. It contains much material that was in the canceled order and omits material that will be incorporated in the revised service orders.

5. *Responsibilities.*

a. *Commissioner, Public Building Service (P).* The Commissioner, as head of the GSA lead environmental service, acts for the Administrator on environmental matters, except those relating to the Federal Property Resources Service; to develop agency policy, review service procedures, and reconcile differences between reviewing officials and program officials regarding the need for environmental impact statements (EIS) or for more environmental information. The Commissioner may also require the preparation of, or revision to, EIS's if he or she determines it to be necessary and may instruct a service or staff office to prepare EIS's on legislative proposals.

(1) *Assistant Commissioner, Office of Space Management (PR).* The Assistant Commissioner is responsible for the initiation and direction of GSA's environmental program policy, except for that relating to the Federal Property Resources Service. The Assistant Commissioner has review responsibility on environmental documents and procedures and responsibility for dealing with entities outside the agency on environmental policy matters.

(2) *Director, Environmental Affairs Division, Office of Space Management (PRE).* The Director coordinates, implements, and monitors the GSA environmental program and serves as the official GSA liaison officer with the Council on Environmental Quality and the Environmental Protection Agency (EPA). For example, the Director consults with EPA to resolve questions of lead agency, to shorten EIS review periods, and to establish review periods for supplementary EIS's. The Director also coordinates GSA's review of EIS's prepared by other agencies.

b. *Commissioner, Federal Property Resources Service (D).* The Commissioner acts for the Administrator on environmental matters related to the Federal Property Resources Service. The Commissioner implements GSA environmental policy within the FPRS by the establishment of service policy and procedures and the issuance of service orders. The Commissioner consults with the EPA, CEQ, and other agencies in regard to FPRS actions.

c. *General Counsel.* The General Counsel has responsibility for interpreting statutes, Executive orders, guidelines, and regulations, and for reviewing and commenting on the legal sufficiency of environmental assessments, findings of no significant impact, and draft and final EIS's.

d. *Responsible official.* The responsible official is the Head of a Service or Staff Office or Regional Administrator under whose jurisdiction the action is being planned.

e. *Decisionmaker.* The decisionmaker, a term used in the Regulations, is for the purpose of this order, the Administrator of General Services or the Administrator's designee.

f. *Other.*

(1) Responsibilities within the services and staff offices shall be delineated in their corresponding orders. (See par. 6.)

(2) Although the Regulations (43 FR 55978, Nov. 29, 1978) are not transmitted by this order, GSA employees responsible for implementing this order and corresponding service orders shall be familiar with and comply with the Regulations.

6. *Service orders.*

a. The head of each major program area within GSA which takes actions have a significant impact on the human environment shall develop and implement orders (and handbooks, as appropriate) consistent with this order and the Regulations.

b. The service orders shall provide, among other things, the following:

(1) The responsible official shall forward the environmental assessment (EA) and finding of no significant impact (FONSI) or recommendation for a FONSI to the appropriate Central Office program official for review and comment. Copies shall then be forwarded to the Office of General Counsel (L) and, except for FPRS actions, the Assistant Commissioner (PR) for review, unless the action is a class of action exempted from this procedure by approved service or staff office orders. All Central Office review periods shall run for a period of 10 workdays from the date of receipt. The 10-workday review period may be extended if necessary. Any requests for additional time, information, or revision shall be directed to the appropriate service or staff office program official. All comments shall be forwarded to the Central Office program official for preparation of a consolidated response to the responsible official. The Commissioner, PBS or FPRS shall reconcile any differences concerning the need for additional information or revision that may arise between the program officials and other reviewing officials, except that final approval for legal sufficiency shall be the responsibility of the General Counsel or the General Counsel's designee. Unless otherwise notified within the review period, the responsible official shall assume the EA and FONSI are adequate and may proceed with the action.

(2) The review procedures for draft EIS's (DEIS), final EIS's (FEIS), and supplements to draft and final EIS's shall be the same as in (1), above, except that the review period shall be for 15 workdays. Service orders shall identify the individual to whom the public can go to obtain information or status reports reports on EIS's and other elements of the NEPA process.

(3) For regional actions the Regional Administrator shall retain the nondelegable authority for final approval of FONSI's, DEIS's and FEIS's. Further, the Regional Administrator shall retain the responsibility for transmitting DEIS's and FEIS's to EPA, heads of Federal agencies, Governors, Senators, and Members of Congress.

7. *Role of the environmental assessment (EA) and the environmental impact statement (EIS) process in GSA.* It is GSA's practice to analyze alternatives and all environmental factors directly or indirectly to a proposed action and to use that analysis at every level of the decision-making process. The assessment of the environmental effects of a proposed action and its alternatives must begin with the inception of the proposed action and continue throughout the planning, action development, operation, and disposal stages. The assessment process shall provide for complete public disclosure of proposed GSA actions and a means of ensuring that all reasonable alternatives have been seriously considered and analyzed. All the alternatives available to and considered by the decisionmaker shall be encompassed in relevant environmental documents. The relevant environmental documents shall accompany other decision documents as they proceed through the decisionmaking process. By using the assesssment process it is the goal of GSA to avoid or minimize potential adverse environmental impacts.

8. *Applicability.* GSA actions and activities which are covered by NEPA include, but are not limited to:

a. Major actions which would result from recommendations or favorable reports on legislation, including requests for appropriations, originating both within and outside the agency when GSA has primary responsiblity for implementing legislation;

b. Major new and continuing actions by GSA, including real property acquisition by Federal construction, purchase, or lease; disposal of any interest in surplus real property to non-Federal public or private parties, personal property disposal, public buildings alteration, procurement actions, and stockpile management, acquisition, and disposal actions, and

c. Major actions which would result from establishment or modification of rules, regulations and procedures, and policies.

9. *Early notice system.* Each service and staff office and regional office shall keep available for public inspection a current list of its contemplated actions for which (a) EIS's are being prepared, (b) EIS's are planned for preparation, and (c) FONSI's have been approved. As required by the Regulations (Sec. 1501.7) a notice shall be placed in the Federal Register notifying the public of GSA's intent to prepare an EIS.

10. *Classes of actions.* Typical classes of actions (par. 1501.4(a) of the Regulations) for PBS appear in attachment A; for FPRS appear in attachment B; for FSS in attachment C; and for TPUS appear in attachment D.

11. *Decision points.* The designation of major decision points (par. 1505.1(b) of the Regulations) for PBS appear in attachment E; for FPRS appear in attachment F; for FSS appear in attachment G; and for TPUS appear in attachment H.

12. *Effective date.* Every effort shall be made to immediately implement the provisions of the regulations and this order. The Regulations and this order do not apply to an EIS or supplement, if the draft EIS was filed before July 30, 1979.

Attachment A

1. *Classes of actions.* Classes of PBS actions and indicators of significance are listed below. The indicators of significance shall be used as a part of the assessment process to determine the significance of a proposed action and if an environmental impact statement is needed for an action.

2. *Class I., Actions which normally do not require either an EIS or an environmental assessment (EA).* The actions in subpars. a thru f, below are categorically excluded from the requirement to prepare an EIS or an EA under normal circumstances. However, the responsible official shall be alert to unusual conditions that would require an EIS or an EA. They are categorically excluded because they normally do not meet any of the indicators of significance and they (1) are routine, (2) will not create greater demands or loads on environmental impact areas, (3) allow the current agency action to continue, or (4) do not alter physical conditions.

a. Repair to or replacement of equipment (e.g., electrical distribution

and HVAC systems) of GSA-controlled facilities.

b. Repair to or replacement in kind of components (e.g., windows, door, roof) of GSA-controlled facilities.

c. Acquisition of less than 20,000 square feet of occupiable space in a structure that was completed prior to the solicitation for offers.

d. Acquisition of between 20,000 square feet and 40,000 square feet if it constitutes less than 40 percent of the occupiable space in a structure that completed prior to the solicitation for offers.

e. Lease extensions, renewals, or succeeding leases.

f. Federal construction or lease construction of 10,000 square feet or less of occupiable space.

g. Relocation of employees into existing owned or currently leased office space.

h. Individual personnel actions, administrative actions, collective bargaining with employee unions, ministerial actions, and routine activities normally conducted to protect and maintain GSA controlled properties.

3. *Class II., Actions which normally require an EIS.* The actions in subpars. a thru d, below, normally require the preparation of an EIS because they meet the indicators of significance, they may create greater demands or loads on environmental impact areas, and they may alter physical conditions.

a. Master plans for federally-owned property.

b. Space acquisition programs projected for a given geographical area for a 3- to 5-years period.

c. Federal construction of lease construction projects in excess of 275,000 square feet of occupiable general-purpose space.

d. Actions in a coastal zone that do not comply with an approved Coastal Zone Management Plan.

4. *Class III., Actions which normally require EA's but not EIS's.* An EA must normally be prepared for these actions to determine if an EIS is necessary. This order does not arbitrarily establish the number of indicators of significance that must be exceeded before an EIS is required on an action, as the actions must be evaluated on a case-by-case basis. However, normally if two or more of the thresholds are exceeded an EIS is required.

a. Federal construction or lease construction of general-purpose office space between 10,000 and 275,000 square feet of occupiable space including those undertaken for another Federal agency.

b. Major leases for new space existing buildings where an environmental controversy has been identified.

c. Repair and alteration projects which:

(1) Have not be categorically excluded.

(2) Affect those characteristics which quality a property or object as historically or culturally significant.

(3) Are for acquistion and/or alteration of space for a laboratory which will use dangerous or hazardous chemicals, drugs, or radioactive materials.

d. Construction of a prison facility where GSA is the lead agency.

e. Construction of special-purpose space.

5. *Indicators of significance.* Classes I and II were established based on the following indicators of significance. The determination of whether Class III actions require the preparation of a finding of no significant impact (FONSI) or an EIS shall be made based on these indicators.

a. Traffic generated by the action would represent a 10-percent increase in average daily traffic volume on the access roads to the site or the major arteries in the delineated area, and peak-hour congestion occurs daily on the access road to the site or on the major arteries in the delineated area.

b. May lead to a violation of Federal, State or local law or requirements imposed for the protection of the environment. For example if the action is expected to increase emissions resulting in the violation or air quality standards or contruction traffic or project noise will definitely be in violation of GSA, OSHA, State, or local noise standards, and one or more types of sensitive receptors would definitely be at risk.

c. The GSA project, its contractors, and its final solid waste disposal site(s) will not be in compliance with the EPA's "Solid Waste Management Guidelines" for thermal processing and land disposal, storage and collection, source separation, and resource recovery facilities; or with any other Federal, State or local regulations, standards or health codes. The final disposal site(s) will not have adequate capacity for the solid waste from the GSA project.

d. Public utilities have insufficient capacity to provide reliable service to the project and to ensure delivery of required flow for average and peak periods.

e. The action is located on or near an active geological fault or unique geological features.

f. Wastewater generated by the new facility will represent more than 5 percent of the average daily flow to a public treatment plant.

g. The proposed project will not be compatible with the present zoning of the specific site and/or delineated area.

h. The proposed project will not conform with official local and regional plans.

i. The proposal may adversely affect an endangered or threatened species or its habitat.

j. The proposal may adversely affect parklands, prime farmlands, floodplains, wetlands, wild and scenic rivers or ecologically critical areas.

k. The proposal will result in the use of a significant amount (defined as an amount that if spillage occurs it will result in a health hazard or damage to the ecosystem; or if accidentally dumped into the sewage system will damage treatment facilities or contaminate rivers or streams) of dangerous, hazardous, or radioactive materials.

l. Will result in a 5-percent change in the permanent labor force of the SMSA or if not in an SMSA, of the political jurisdiction.

m. Cultural resources on the National Register, eligible for the National Register, and those eligible for the Register, but as yet unstudied or unidentified, will be effected by the proposed action.

n. Local community service administrators indicate that one or more community services will be inadequate to serve the project.

o. The proposed project will permanently alter an area that has been formally recommended for protection by Federal, State, regional, or local government agencies as part of a land use or development plan.

GSA Order, Attachment B, Federal Property Resources Service

Classes of Action

1. *General.* This attachment lists the Classes of Action and Indicators of Significance for actions sponsored by the Federal Property Resources Service (FPRS).

2. *Classes of Action.* In accordance with Paragraph 1501.4(a) of the CEQ regulations, FPRS actions are classified as follows:

a. *Class I.*—Actions which normally do not require either an environmental impact statement (EIS) or environmental assessment (EA).

(1) The actions listed below, under normal circumstances, are categorically excluded from the requirement to

prepare an EIS or an EA. However, FPRS officals shall be alert to any unusual circumstances which would require an EIS or an EA. These actions are catergorically excluded since they normally do not meet any of the indicators of significance and they:

(a) have minimal or no effect on the environment,

(b) do not significantly change existing physical conditions,

(c) have social or economic effects only, and

(d) are similar to actions previously assessed and found to have no significant environmental impact.

(2) Class I actions (Categorical Exclusions) are:

(a) Federal Real Property Utilization Surveys in Accordance with Executive Order 11954.

(b) Real Property Inspections for Compliance with Deed Restrictions.

(c) Disposition of Excess or Surplus Real Property as follows:

(i) 5 acres or less of unimproved land in a rural area.

(ii) 1 acre or less of unimproved land in an urban area.

(iii) 1 multiple unit dwelling with 10 or less units on 1 acre or less.

(iv) 5 or fewer separate individual residential units, except where land associated with a unit could be subdivided into 2 or more building lots.

(v) Line-of-site, utility, avigation, flight clearance, and right-of-way easements.

(vi) Permits, licenses, or leases for 1 year term or less.

(vii) Unimproved land for conveyance to state or local conservation agencies where development is prohibited.

(d) Stockpile acquisitions or disposals of:

(1) Metals: aluminum, gold, platinum group, silver, and tin:

(ii) Agricultural products: Opium and its derivatives, castor oil and its derivatives, quinine and its derivatives; and

(iii) Other: Diamonds, jewel bearings, quartz, mica, synthetic sapphire and ruby.

(e) Rehabilitation, transfer, donation and sales of federally owned personal property.

b. *Class II Actions which normally require an EIS.*—(1) The actions listed below under normal conditions require the preparation of an EIS since the actions normally meet some of the indicators of significance and

(a) have potential for significant degradation of the environment.

(b) have potential for a hazard to the public,

(c) are similar to action which previously were found to require an EIS, and/or,

(d) tend to be controversial with respect to environmental impact.

(2) Class II actions are:

(a) Disposal of Surplus Real Property as follows:

(i) Property where complex multiple-use options are contemplated.

(ii) Property formerly used as, or proposed for use as, a Hazardous Waste Disposal Site.

(iii) Property considered to be environmentally contaminated so as to restrict future use.

(b) Stockpile actions which result in:

(i) Opening of new mines (green field sites);

(ii) Reopening of abandoned mines; and

(iii) Placing into a 100 year floodplain a commodity which would cause a public health, safety, or environmental problem in an aquatic environment

Class III Actions which normally require EA's but not EIS's.—(1) The actions listed below cannot be readily placed in Class I or II and require the preparation of an EA prior to the decision as to whether or not to prepare an EIS.

(2) Class III actions are:

(a) Disposal of surplus real property actions not covered in Class I or II.

(b) Stockpile actions for:

(i) Transportation of hazardous material;

(ii) Rotation or upgrading of current inventories;

(iii) Disposal of materials which have become contaminated or unstable while in storage;

(iv) Relocation of stockpiled materials.

3. *Indicators of Significance.* a. The indicators of significance are intended to assist FPRS personnel determine the necessity to prepare an EA or EIS. The indicators point out unusual or sensitive conditions or issues which may require the preparation of an EA, for an otherwise categorically excluded action, or an EIS for an action which normally require only an EA.

b. FPRS indicators are:

(1) For real property actions, the property—

(a) Is in a: 100 year Floodplain, Wetland, Prime or Unique Farmland, Ecologically critical area, Endangered species habitat, Parkland or Active Geological Fault Area;

(b) Is not/will not be operated/utilized in consonance with local zoning regulations or land use plans;

(c) Will most likely not continue in its present or a similar use;

(d) Is itself, or is located close to, a historical or cultural, or archeological resource;

(e) Is in a coastal zone and will be utilized contrary to the Coastal Zone Management Plan;

(f) Is environmentally contaminated so as to restrict use;

(g) Is subject to significant controversy with respect to the environmental impact of the disposal.

(2) For actions involving acquisition or disposal of stockpile materials, the action:

(a) May lead to a violation of Federal, State or local environmental law or regulations;

(b) May adversely affect an endangered or threatened species or its habitat;

(c) May adversely affect parklands, prime farmlands, floodplains, wetlands, wild and scenic rivers or ecologically critical areas;

(d) Will result in the transportation, handling, or storage of a significant amount of dangerous, hazardous, or radioactive materials, the significance to be determined on a case by case basis;

(e) May adversely impact cultural resources on the National Register, or eligible for the National Register;

(f) Will permanently alter an area that has been formally recommended for protection by Federal, State, regional, or local government agencies as part of a land use or development plan;

(g) Will result in an increase of normal stockpile depot traffic flow greater than 10 percent;

(h) Will entail material classified as hazardous, or toxic by DOT, EPA or OSHA;

(i) Will entail movement of material in containers not conforming to standard industrial requirements;

(j) May result in air or water pollution by production facilities exceeding Federal or State threshold limit values;

(k) May adversely affect ambient air quality by raising level of nuisance particulates beyond the boundaries of the loading area; and

(l) May entail a 5 percent change in the labor force of the industry producing the material.

(3) For the rehabilitation and transfer, donation, or sales of personal property, the property:

(a) is a hazardous or toxic material which has not been rendered innocuous or otherwise safeguarded,

(b) the use of which, would violate a safety, health, or environmental regulation.

Attachment C

1. *Classes of actions.* Classes of FSS actions and indicators of significance are listed below. The indicators of significance shall be used as a part of the assessment process to determine the significance of a proposed action and if an environmental impact statement is needed for an action.

2. *Class I.,* Actions which normally do not require either an EIS or and Environmental Assessment (EA). The actions in subparas. a thru d, below are categorically excluded from the requirement to prepare an EIS or an EA under normal circumstances. However, the responsible official shall be alert to unusual conditions that would require an EIS or an EA. They are categorically excluded because they normally do not meet any of the indicators of significance and they (1) are routine, (2) will not create greater demands or loads on environmental impact areas, (3) allow the current agency action to continue, or (4) do not alter physical conditions.

a. Acquisition of products, materials, and services for Government agencies to meet normal requirements.

b. Preparation of specifications and purchase descriptions for products, materials and services for the normal requirements of Government agencies.

c. Inspection of products, materials, and services to meet normal requirements.

d. Distribution of products and materials to meet normal requirements of agencies.

3. *Class II.,* Actions which normally require an EIS. Because they meet the indicators of significance, they may create greater demands or loads on environmental impact areas, and they may alter physical conditions. None.

4. *Class III.,* Actions which normally require EA's but not EIS's. An EA must normally be prepared for these actions to determine if an EIS is necessary. This order does not arbitrarily establish the number of indicators of significance that must be exceeded before an EIS is required on an action, as the actions must be evaluated on a case-by-case basis.

a. Acquisition of products and materials representing a significant percentage of the total market for products and materials with known toxic or hazardous ingredients.

b. Distribution of such products and materials.

c. Acquisition of products or materials whose manufacture may have a significant impact on the environment and where our purchases represent a significant portion of the total market production.

5. *Indicators of significance.* Classes I and II were established based on the following indicators of significance. The determination of whether Class III actions require the preparation of a finding of no significant impact (FONSI) or and EIS shall be made based on these indicators.

a. Where our purchases exceed 10 percent of the sales of the products.

b. Where stocking points for toxic and hazardous materials may be within or adjacent to densely populated areas and storage of such materials amounts to more than 10 percent of the total space utilized for all products and materials.

c. Where decisions on stocking patterns or warehouse locations will results in 5 percent change in the permanent SMSA labor force.

Attachment D

1. *Classes of actions.* Classes of TPUS actions and indicators of significance are listed below. The indicators of significance shall be used as a part of the assessment process to determine the significance of a proposed action and if an environmental impact statement is needed for an action.

2. *Class I.* Actions which normally do not require either an EIS or an environmental assessment (EA). The actions in subparagraphs a through f below are categorically excluded from the requirement to prepare an EIS or an EA under normal circumstances. However, the responsible official shall be alert to unusual conditions that would require an EIS or an EA. They are categorically excluded because they normally do not meet any of the indicators of significance and they (1) are routine, (2) will not create greater demands or loads on environmental impact areas, (3) allow the current agency action to continue, or (4) do not alter physical conditions.

a. Assists Federal agencies in improving transportation management and practices.

b. Negotiates transportation rates and provides expert testimony before transportation regulatory bodies.

c. Audits Federal transportation documents.

d. Provides Federal fleet management and assists in energy conservation in the Federal vehicle fleet.

e. Assists Federal agencies in public utilities management (excluding communications); negotiates for public utility services on behalf of Federal agencies; and provides expert testimony before public utility regulatory bodies.

f. Provides motor vehicle support to Federal executive, legislative, and judicial activities through a nationwide system of motor pools.

3. *Class II.* Actions which normally require an EIS because they meet the indicators of significance; they may create greater demands or loads on environmental impact areas; and they may alter physical conditions. None.

4. *Class III.* Actions which normally require EA's but not EIS's. An EA must normally be prepared for these actions to determine if an EIS is necessary. None.

5. *Indicators of significance.* Class I was established based upon the conclusion that none of the activities conducted by TPUS fall within Classes II or III. However, under unusual circumstances an assessment of the need for an EA may be required by TPUS officials based upon the following criteria.

a. Traffic generated by the action would represent a 10-percent increase in average daily traffic volume on the access roads to the site or the major arteries in the delineated area, and peak-hour congestion occurs daily on the access road to the site or on the major arteries in the delineated area.

b. May lead to a violation of Federal, State or local law or requirements imposed for the protection of the environment. For example, if the action is expected to increase emissions resulting in the violation of air quality standards or construction traffic or project noise will definitely be in violation of GSA, OSHA, State or local noise standards, and one or more types of sensitive receptors would definitely be at risk.

c. The GSA project, its contractors, and its final solid waste disposal site(s) will not be in compliance with the EPA's "Solid Waste Management Guidelines" for thermal processing and land disposal, storage and collection, source separation, and resource recovery facilities; or with any other Federal, State or local regulations, standards or health costs. The final disposal site(s) will not have adequate capacity for the solid waste from the GSA project.

d. Public utilities have insufficient capacity to provide reliable service to the project and to ensure delivery of required flow for average and peak periods.

e. The action is located on or near an active geological fault or unique geological features.

f. Wastewater generated by the new facility will represent more than 5 percent of the average daily flow to a public treatment plant.

g. The proposed project will not be compatible with the present zoning of the specific site and/or delineated area.

h. The proposed project will not conform with official local and regional plans.

i. The proposal may adversely affect an endangered or threatened species or its habitat.

j. The proposal may adversely affect parklands, prime farmlands, floodplains, wetlands, wild and scenic rivers or ecologically critical areas.

k. The proposal will result in the use of a significant amount (defined as an amount that if spillage occurs it will result in a health hazard or damage to the ecosystem; or if accidentally dumped into the sewage system will damage treatment facilities or contaminate rivers or streams) of dangerous, hazardous, or radioactive materials.

l. Will result in a 5-percent change in the permanent labor force of the SMSA or if not in an SMSA, of the political jurisdiction.

m. Cultural resources on the National Register, eligible for the National Register, and those eligible for the Register, but as yet unstudied or unidentified, will be effected by the proposed action.

n. Local community service administrators indicate that one or more community services will be inadequate to serve the project.

o. The proposed project will permanently alter an area that has been formaly recommended for protection by Federal, State, regional, or local government agencies as part of a land use or development plan.

BILLING CODE 6820-23-M

ATTACHMENT E

SPACE ACQUISITION ACTIONS

ACTION	Consecutive Steps: Non-Prospectus Lease	Consecutive Steps: Prospectus Lease	Consecutive Steps: Prospectus Action Other Than Lease	OFFICIAL	AVAILABLE ENVIRONMENTAL ACTIONS
Determine space needs exists	o	o	o	Reg. PG and/or Reg. Dir. SHD	Begin gathering information
Select method	o	o	o	" " " " "	Preliminary environmental analysis
Determine delineated area	o	o	o	" " " " "	Preliminary environmental analysis
Transmit prospectus to OMB		o	o	Administrator	Draft EIS or FONSI
Approve prospectus		o	o	OMB	Draft EIS or FONSI
Request offers for space	o			Reg. Dir. SHD	Draft EIS or FONSI
Accept lessor's offer	o			Reg. Dir. SHD/Reg. Comm. P	Final EIS or FONSI
Transmit prospectus to PWC		o	o	Administrator	Final EIS or FONSI
Approve prospectus		o	o	PWC	Final EIS or FONSI
Site selection		o	o	Reg. Dir. SHD	Final EIS or FONSI
Request offers for space		o		" " "	Draft EIS or FONSI
Accept lessor's offer		o		Reg. Dir. SHD/Reg. Comm. P	Final EIS or FONSI

REPAIR & ALTERATION ACTIONS

ACTION	OFFICIAL: Initial Space Alteration	OFFICIAL: Reimbursable Request	OFFICIAL: Alteration & Repair	AVAILABLE ENVIRONMENTAL DATA
Determine need for R&A Project (initial space alteration; reimbursable; alteration and repair)	Reg. Dir. SHD	Agency	Reg. Chief, R&A R&A Branch	Begin gathering information
Select extent of alterations	"	"	Reg. Comm. PBS	Preliminary environmental analysis
Approval of prospectus to:				
1. OMB		Administrator		Draft EIS or FONSI
2. Congress		Administrator		Final EIS or FONSI
OMB approves prospectus		OMB		Draft EIS or FONSI
PWC approves prospectus		PWC		Final EIS or FONSI
Approve design (R&A and new construction)	Regional Construction Management Division			Final EIS or FONSI

BILLING CODE 6820-23-C

Attachment F, Federal Property Resources Service, Decision Points

1. *General.*—In accordance with paragraph 1505.1(b) of the CEQ regulations, this attachment designates the major decision points for actions sponsored by FPRS and provides the corresponding environmental data available to the decision maker.

2. *FPRS Principle Programs.*—Discussed in this attachment are as follows:

a. Disposal of Real Property—Appendix A.

b. Acquisition and Disposal of Strategic and Critical Materials—Appendix B.

c. Disposal of Personal Property—Appendix C.

Federal Property Resources Service—Disposal of Real Property; Decision Points

Action	Official	Available environmental data
1. GSA receives a report of excess real property from a Federal holding agency and notifies other Federal agencies of the availability of such property for further Federal utilization.	Regional Administrator*.....	Begin to gather environmental information.
2a. If Federal agency desires property, and GSA approves, property is transferred to Federal Agency.	Commissioner, FPRS* or Regional Administrator*	Preliminary environmental analysis.**
b. If no Federal agency desires property or if GSA disapproves request, GSA determines the property surplus and notifies State and local governments of the availability of the property for local public use.	Regional Administrator*.....	Preliminary environmental analysis.
3. GSA reviews State and local public agency or nonprofit institution requests to acquire the property as well as the comments of other Federal agencies sponsoring such requests, and considers public sale potential.	Regional Administrator* or Commissioner, FPRS*	Environmental assessment with a FONSI or recommendation for DEIS.
4. GSA Central Office reviews regional office recommendation for FONSI or DEIS and advises regional office only if Central Office disagrees with regional office.	Commissioner, FPRS*.....	Environmental assessment with a FONSI or recommendation for DEIS.
5. GSA regional office maintains FONSI or initiates DEIS.....	Regional Administrator*.....	Environmental assessment with a FONSI or recommendation for a DEIS.
6. GSA Central Office advises Regional Administrator of final disposal determination in cases where Central Office approval is required.	Commissioner, FPRS*.....	Final EIS or FONSI.
7. GSA regional office disposes of property.....	Regional Administrator*.....	FONSI or final EIS.

*Or his designee.
**At this point the requesting Federal agency will be responsible for NEPA implementation.

Federal Property Resources Service—Acquisition and Disposal of Strategic and Critical Materials; Decision Points

Action	Official	Environmental action
1. FPRS receives directive from Federal Preparedness Agency (FPA) to acquire or dispose of strategic and critical materials.	Commissioner, FPRS.....	Tasks Offices of Property Management and Stockpile Disposal to initiate action and identify potential adverse environmental impacts.
2. Preparation of legislative proposal.....	Commissioner, FPRS Assistant Commissioner, Office of Stockpile Disposal.	Tasks environmental team to develop Environmental Checklist (EC) on case by case basis; if EC indicates potential adverse impact, tasks team to prepare Environmental Assessment (EA) or Environmental Impact Statement (EIS).
3. Submission of legislative proposal.....	Commissioner, FPRS.....	Submission of draft EIS or finding of no significant impact (FONSI) and EA.
4. Implementation of legislation.....	Commissioner, FPRS Assistant Commissioners, Office of Stockpile Disposal and Property.	Final EIS or FONSI and EA.

Federal Property Resources Service—Rehabilitation, Transfer, Donation, and Sales of Federally Owned Personal Property; Decision Points

Action	Official	Available environmental data
1. GSA rehabilitates and transfers, donates, or sells personal property.	Administrator or his designee	Preliminary environmental analysis.*

*GSA regulations require than any personal property that meets the indicators of significance is not to be accepted by GSA for rehabilitation and transfer, donation, or sales.

BILLING CODE 6820-23-M

ATTACHMENT G

PRODUCT/MATERIAL ACQUISITION ACTIONS

ACTION	Consecutive Steps: Negotiated Contract	Formally Advertised Contract/Stock	Formally Advertised Contract/Direct Delivery	OFFICIAL	AVAILABLE ENVIRONMENTAL ACTIONS
Determine agency needs and requirements	o	o	o	Dir., Programs and Requirements (FR)	Begin gathering information
Review alternative method of acquisition and supply	o	o	o	" " "	Preliminary environmental analysis
Select method of acquisition and supply	o	o	o	" " "	Draft EIS or FONSI
Prepare and approve technical description	o	o	o	" " "	" " "
Determine stocking pattern	o	o		Dir., Office of Supply (FS)	" " "
Approve/issue solicitation	o	o	o	Dir., Office of Contracts (FC)	" " "
Contract award	o	o	o	Commissioner, FSS (F)	Final EIS or FONSI

[FR Doc. 70-17772 Filed 6-8-70; 8:45 am]

BILLING CODE 6820-23-C

Regional Public Advisory Panel on Architectural and Engineering Services; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services on June 25, 1979, from 9:30 a.m., to 4:00 p.m., in Room 7071 of the GSA Regional Office Building, Seventh and D Streets, S.W., Washington, D.C. The meeting will be devoted to reviewing design concepts of the architect-engineer firm of Metcalf/KCF (Joint Venture) chosen to furnish professional services for Design Services of the Smithsonian Museum Support Center, Suitland, Maryland (GS-03B-99021). The meeting will be open to the public. In order to meet the schedule requirements of the full committee, it will be necessary to hold the meeting on the specified date.

Dated: June 7, 1979.

Walter V. Kallaur,

Regional Administrator of General Services.

[FR Doc. 79-16184 Filed 6-8-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Allergy and Clinical Immunology Research Committee; Amended Notice of Meeting

Notice is hereby given of the change in the meeting place of the Allergy and Clinical Immunology Research Committee on June 12, 1979, National Institute of Allergy and Infectious Diseases, which was published in the Federal Register on June 4, 1979 (44 FR 32045).

The Committee was to have met in the Federal Building, Room 6C-01, but has been changed to meet in the Westwood Building, Room 740.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: June 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18008 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

Communicative Disorders Review Committee; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Communicative Disorders Review Committee, June 10-11, 1979, in the Sonesta Hotel, 5 Cambridge Parkway, Cambridge, MA 02142, which was published in the Federal Register on April 24, 1979 (44 FR 24238). The time of the open portion of the meeing will be changed from 9:00 a.m.-11:00 a.m. on June 10th, to 6:00 p.m.-7:00 p.m. The meeting will be closed to the public on June 10th from 7:00 p.m. until the conclusion of the meeting on June 11th, for review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: June 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18007 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on July 18-19, 1979, in the Landow Building, Room A, 1st floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on July 18 from 9:00 a.m. to 11:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Review and the Chief of the Mental Retardation and Developmental Disabilities Branch and the Executive Secretary of the Committee.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 18 from 11:00 a.m. to adjournment on July 19 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 7C16, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: June 4, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18012 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Neurological and Communicative Disorders and Stroke Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, July 30, 1979, at 9 a.m. in Building 31-C, Conference Room 6, Bethesda, Maryland 20205. The meeting will be open to the public from 9 a.m. until 9:30 a.m. on July 30, 1979, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. on July 30, 1979, until the conclusion of the meeting that day for review, discussion and evaluation of research grant applications. The portion of the meeting being closed involves the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland 20205, telephone (301) 496-5751, will furnish summaries of

the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, Telephone (301) 496–9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: June 4, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-18013 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute Meeting To Review Papers on Health Effects of Radiation Exposure

At his press conference on February 27, 1979, Secretary Joseph A. Califano indicated that the Director, NIH, would request outside scientific experts to review the previously unpublished HEW papers on health effects of radiation exposure which may have been associated with the atmospheric testing of nuclear weapons and recommend any additional research needs identified in this review.

Notice is hereby given of the second meeting of the scientific experts to review the content of HEW papers, June 18–20, 1979 at the Marriott Hotel, Dulles International Airport, Virginia. The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available.

Dr. Victor H. Zeve, Special Assistant to the Deputy Director, National Cancer Institute, Building 31, Room 10A34, Bethesda, Maryland 20205 (301/496–5515) will provide additional information.

Dated: June 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18010 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

Organ Site Subcommittee of the National Cancer Advisory Board; Cancelled Meeting

Notice is hereby given of the cancellation of the meeting of the Organ Site Subcommittee of the National Cancer Advisory Board, June 20, 1979, Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015, which was published in the Federal Register on May 23, 1979 (44 FR 29974). For further information, please contact Dr. Andrew Chiarodo, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7194).

Dated: June 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18011 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Amended Notice of Meeting

Notice is hereby given of the change in the meeting place of the Transplantation Biology and Immunology Committee on June 15, 1979, National Institute of Allergy and Infectious Diseases, which was published in the Federal Register on June 4, 1979 (44 FR 32046).

The Committee was to have met in the Federal Building, Room 6C–01, but has been changed to meet in the Westwood Building, Room 740.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: June 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-18009 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-08-M

Office of Education

Grants to State Educational Agencies To Meet the Special Educational Needs of Migratory Children; Intent To Compromise Claim

AGENCY: Office of Education, HEW.

ACTION: Notice of Intent to Compromise Claim.

SUMMARY: Notice is given that under section 452(f) of the General Education Provisions Act (GEPA), the Commissioner intends to compromise a claim against the North Carolina State Department of Public Instruction now pending before the Department's Title I Audit Hearing Board, docket no. 12–(27)–76.

SUPPLEMENTARY INFORMATION: As described in the Federal Register Notice of October 27, 1972, 37 FR 23002, which established the Title I Audit Hearing Board, the purpose of the Board is to review and hear audit disputes arising from the Office of Education's administration of Title I of the Elementary and Secondary Education Act (ESEA). The procedures of the Title I Audit Hearing Board were amended in the Federal Register on July 12, 1976, 41 FR 28568. On April 20, 1979, the Commissioner delegated the authority to compromise claims under section 452(f) GEPA to the Executive Deputy Commissioner for Resources and Operations.

Section 141 of title I, ESEA authorizes grants to States to conduct supplementary projects designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen. The regulations governing the title I, Migrant program are presently found in 45 CFR Part 116d, and were published in the Federal Register on November 13, 1978, 43 FR 52676.

The claim in dispute arose out of the North Carolina State Department of Public Instruction's administration of its fiscal year 1971 title I, Migrant program. On June 14, 1976, the Office of Education informed the North Carolina State Department of Public Instruction that due to its alleged violations of the title I statute and regulations, it would be necessary to refund $25,516.00. The North Carolina State Department of Public Instruction appealed to the title I Audit Hearing Board on July 1, 1976. This appeal was announced in the Federal Register on September 2, 1977, 42 FR 44272. The title I Audit Hearing Board, with the agreement of the parties, subsequently reduced the amount at issue to $16,376.48 to reflect the applicable statute of limitations, 20 U.S.C. 884, and other matters.

As part of its fiscal year 1971 title I, Migrant summer project the North Carolina State Department of Public Instruction provided services to migratory persons over the age of 21 years. The principal issue that remains in dispute is whether these persons were eligible to participate in the title I, Migrant project.

The Commissioner proposes to compromise this claim for $6,000. The Commissioner believes that it would not be in the public interest to continue this proceeding, given the cost of the appeal process and the fact that the current title I regulations, 45 CFR 116.2, clearly prohibit the practice of providing title I services to migrant persons over the age of 21. The proposed compromise will not affect any other audit proceeding before the title I Audit Hearing Board.

The public is specifically invited to comment upon the Commissioner's intent to compromise this claim for $6,000. Interested persons may express their opinions during the 45 day period that follows publication of this notice by submitting written data, views, or

arguments. Additional information may be obtained by writing to: Mr. Jack Kristy, Attorney, Education Division, Office of the General Counsel, Department of Health, Education, and Welfare, 400 Maryland Avenue, S.W., (Room 4095, FOB-6), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Kristy, telephone (202) 245-8955.

(20 U.S.C. 1234a(f) and 2761)

Dated: May 23, 1979.

James Pickman,

Executive Deputy Commissioner for Resources and Operations.

[FR Doc. 79-17147 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-02-M

Guaranteed Student Loan Program; Special Allowance for Quarter Ending March 31, 1979

The Commissioner announces that for the three-month period ending March 31, 1979, and under the statutory formula of section 438(b) of the Higher Education Act of 1965, a special allowance at an *annual rate* of six and one-quarter percent will be paid to holders of eligible loans in the Guaranteed Student Loan Program.

Using the statutory formula, the special allowance for this *three-month* period was computed by determining the average of the bond equivalent rates of the 91-day Treasury bills for this period (9.72 percent), by subtracting 3.5 percent from this average, by rounding the resultant percent (6.22) upward to the nearest one-eighth of one percent (6.25), and by dividing the resultant percent by four (1.5625 percent). Thus, the special allowance to be paid for this period will be 1.5625 percent of the average unpaid balance of principal (not including unearned interest added to principal) of all eligible loans held by lenders.

Although the statutory formula provides that the special allowance for any twelve-month period shall not exeed five percent, the special allowance for any individual quarter may exceed the annual rate of five percent.

(20 U.C. 1087-1(b))

Ernest L. Boyer,

Commissioner of Education.

[FR Doc. 79-18029 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-02-M

Health Education Assistance Loan Program; Variable Interest Rate for Quarter Ending June 30, 1979

The Commissioner announces that for the 3-month period ending June 30, 1979, the variable interest rate on loans in the Health Education Assistance Loan (HEAL) Program shall be at the annual rate of 13¼ percent.

Using the regulatory formula (45 CFR 126.13(a)(2) and (3)), the Commissioner computed the variable rate for this three month period by adding the fixed annual rate (7 percent) plus a variable component which is calculated by determining the average of the bond equivalent rates of the 91-day Treasury bills for the preceding calendar quarter (9.72 percent), by subtracting 3.5 percent from that average, and by rounding the resultant percent (6.22) upward to the nearest one-eighth of one percent (6.25).

Although the regulatory fomula provides that the variable interest rate shall not exceed 12 percent per year, the interest rate for any individual quarter may exceed the annual rate of 12 percent.

Ernest L. Boyer,

Commissioner of Education.

[FR Doc. 79-18030 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-02-M

Migrant Education Program—Closing Date for Transmittal of Applications, Fiscal Year 1980

Applications are invited for grants under the Migrant Education Program of Title I of the Elementary and Secondary Education Act.

Authority for this program is contained in sections 141-143 of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561.

Eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.

Closing Date for Transmittal of Applications: Applications for grants must be mailed or hand-delivered by July 1, 1979, unless, in response to a specific request, the U.S. Office of Education extends this closing date for a particular applicant.

The U.S. Office of Education may grant an extension if the applicant SEA can show that the July 1 closing date creates difficulties for that State because the State has already planned its application development and submittal according to a different schedule. If an applicant SEA needs an extension of the July 1, 1979, closing date, it should request one in writing immediately.

Applications Deliverd by Mail: An application sent by mail must be addressed to Mr. Vidal A. Rivera, Jr., Chief, Migrant Education Branch, Office of Compensatory Educational Programs, U.S. Office of Education, 400 Maryland Avenue, S.W. (FOB #6, Room 2031), Washington, D.C. 20202.

Proof of mailing may consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark. Applicant should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Office of Education, Migrant Education Branch, Office of Compensatory Educational Programs, Room 2031, Federal Office Building 6, 400 Maryland Avenue, S.W., Washington, D.C. The Migrant Education Branch will accept hand delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Program Information: Grants are made to SEAs to establish or improve programs designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. The State programs are conducted under the provisions of Pub. L. 89-10, as amended through Pub. L. 95-561, and the program regulations, as revised in Fiscal Year 1979 (45 CFR Part 116d, November 13, 1978). An applicant SEA must submit a State Program Plan covering a period of one year (to be published in accordance with section 435 of the General Education Provisions Act) and a State Monitoring and Enforcement Plan for a period of from one to three years.

Application Forms: Application forms and instructions were mailed to all eligible SEAs on January 11, 1979. Additional forms and instructions may be obtained by writing to the U.S. Office of Education, Migrant Education Branch, Office of Compensatory Educational

Programs, 400 Maryland Avenue, S.W. (FOB #6, Room 2031), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program application package.

Applicable Regulations: The regulations applicable to this program are—

(a) Office of Education General Provisions for Programs Regulations (45 CFR Parts 100 and 100b),

(b) Title I General Provisions Regulations (45 CFR Part 116), and

(c) Migrant Education Program Regulations, as revised in Fiscal Year 1979 (45 CFR Part 116d).

Further Information: For further information, contact Mr. Vidal A. Rivera, Jr., Chief, Migrant Education Branch, Office of Compensatory Educational Programs, U.S. Office of Education, 400 Maryland Avenue, S.W. (FOB #6, Room 2031), Washington, D.C. 20202. Telephone (202) 245–2222.

(20 U.S.C. 2761, 2762, 2763)

(Catalog of Federal Domestic Assistance No. 13.429, Educationally Deprived Children—Migrants)

Dated: May 22, 1979.

Ernest L. Boyer,

Commissioner of Education.

[FR Doc. 79-18031 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Health

National Council on Health Care Technology; Meeting

Pursuant to the Federal Advisory Act (P.L. 92–463) notice is hereby given that the first meeting of the National Council on Health Care Technology, established pursuant to the Health Services Research, Health Statistics, and Health Care Technology Act of 1978 (P.L. 95–623) which advises the Secretary and the Director of the National Center for Health Care Technology on the activities of the Center will convene on Wednesday, July 11, 1979, at 9:30 a.m. and Thursday, July 12, 1979, at 9 a.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201. Principal consideration and discussion will be devoted to an overview of the Department's efforts in the technology assessment area; selected briefings by HEW agencies concerning technology related issues; and future priorities. In addition to the newly appointed members being sworn in, a portion of the meeting will be reserved to elect a chairperson, as stipulated in the law. These meetings are open for public observation and participation.

Further information regarding the Council may be obtained by contacting Marilyn McCarroll, Office of Health Research, Statistics, and Technology, Room 721H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472–4243.

Dated: June 5, 1979.

Marilyn McCarroll,

Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 79-18077 Filed 6-8-79; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Contract Negotiations With the Lower Yellowstone Irrigation Districts No. 1 and No. 2; Negotiate Rehabilitation and Betterment Loan Repayment Contracts

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment negotiations, the Bureau of Reclamation intends to initiate negotiations with the Lower Yellowstone Irrigation Districts No. 1 and No. 2 for repayment of a loan covering the cost of rehabilitation and betterment program to be performed on the Lower Yellowstone Project in Montana and North Dakota.

The Lower Yellowstone Project was constructed near the convergence of the Yellowstone and Missouri Rivers between 1905 and 1909. The project was designed to serve approximately 58,000 acres of irrigable land and is operated and maintained by the Lower Yellowstone Irrigation Districts No. 1 and No. 2. The project contains numerous obsolete and deteriorating facilities. This situation has resulted in system failures, excessive water losses, and high operation and maintenance costs.

The proposed program would include lining of canals and laterals, replacing open laterals with underground pipe, stabilizing canal banks, and replacing other project structures. The program is estimated to cost $12,600,000 which is proposed to be financed by Federal loans issued pursuant to the Rehabilitation and Betterment Act of 1949 (63 Stat. 724), as amended. The districts will repay all loan funds to the United States. The terms and conditions of the proposed contracts are ultimately dependent upon the Commissioner of Reclamation's approval of the districts' application for the loans and the Secretary's approval of the form of the proposed contract.

All meetings scheduled by the Bureau of Reclamation with the districts for the purpose of discussing terms and conditions of the proposed repayment contracts shall be open to the general public as observers. Advance notice of meetings shall be furnished only to those parties having previously furnished a written request for such notice at least one week prior to any meeting. Requests should be addressed to: Regional Director, Bureau of Reclamation, Attention Code 440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. The Commissioner of Reclamation will review comments submitted and based on the number, source, and nature of the comments, he will decide whether to hold a public hearing.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Mr. Gary Anderson, Agricultural Economist, Division of Water and Land, at the address stated above, telephone No. (406) 657–6424.

Dated: June 1, 1979.

Orrin Ferris,

Acting Commissioner of Reclamation.

[FR Doc. 79-17958 Filed 6-8-79; 8:45]

BILLING CODE 4310-09-M

Water Sevice Contract Negotiations With Mohave County, Ariz.; Intent To Negotiate a Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate a water service contract with Mohave County, Arizona, to provide for the delivery of not to exceed 10,000 acre-feet of Colorado River water per year for use in the vicinity of Bullhead City, Arizona. The proposed contract will be drafted pursuant to the provisions of the Boulder Canyon Project Act and, as provided in that act, will be for permanent water service. The county will make the water

available by subcontract to water user organizations in the area.

The proposed rate to be charged the county for each acre-foot of Colorado River water delivered is $0.25 as established by the 1944 contract with the State of Arizona.

The public is invited to observe the negotiating sessions and to submit written comments on the form of the proposed contract not later than 30 days after the completed contract is declared to be available to the public.

For further information about scheduled negotiations and copies of the proposed contract, please contact Mr. George Blake, Chief, Contracts and Repayment Branch, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone No. (702) 293-8536. All meetings scheduled by the Bureau of Reclamation with a potential contractor for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified above at least 1 week prior to any meetings. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: June 1, 1979.

Orrin Ferris,

Acting Commissioner of Reclamation.

[FR Doc. 79-17957 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

Chiricahua National Monument: Boundary Study; Notice of Intent

Notice is hereby given that the National Park Service will hold a series of four public meetings on Chiricahua National Monument's boundary study in mid-July, 1979, in Arizona.

Each meeting will begin at 8 p.m. The schedule of meetings is as follows:

July 9—Tucson, University of Arizona BioScience Laboratory, Room 301.
July 10—Portal, Portal School.
July 11—Willcox, Elks Club, 247 East Stewart Street
July 12—Douglas, Douglas High School, 1550 15th Street.

These meetings are a part of the public involvement process which seeks the views of interested parties. A Boundary Analysis booklet has been prepared that outlines the area resources, management concerns and possible boundary revisions for discussion purposes.

Interested individuals, representatives of organizations and public officials are encouraged and invited to express their views at these public meetings. Those unable to appear in person may submit written statements to the Superintendent, Chiricahua National Monument, Dos Cabezas Star Route, Willcox, Arizona 85643, until thirty days after the last meeting for inclusion in the public record.

Those who wish to provide oral comments for the record will be requested to register at the door. The number of people and time limitations may make it necessary to limit the lengths of oral presentations. An oral statement, however, may be supplemented by a more complete written statement which also will be made a part of the record.

Anyone wishing copies of the Boundary Analysis booklet, which are available until the supply is exhausted, additional information on the public meetings or the National Park Service planning process may write to the Superintendent, Chiricahua National Monument at the above address.

Dated: June 1, 1979.

John H. Davis,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 79-16006 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT DES 79-30]

Proposed Grazing Management Program for the East Roswell Environmental Statement Area, Roswell, N. Mex.; Availability of Draft Environmental Statement and Hearing

In accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a Draft Environmental Statement on a proposed grazing management program that is designed to improve rangeland vegetation conditions, to provide a continuing supply of forage for livestock and wildlife consistent with multiple use management, and to construct range developments.

The statement addresses an improved livestock grazing management program on approximately 1,595,000 acres of public land. The proposed action includes grazing treatment designed to enhance the vegetation resources, improve range conditions, reduce erosion, improve water quality, provide quality habitat for wildlife, protect archaeological and historical sites, and provide a continuous supply of livestock and wildlife forage. Mechanical and herbicide treatments are proposed to reduce the density of mesquite and creosote brush that has invaded these grasslands. Adjustments in livestock grazing use, construction of water developments and fencing are also proposed.

Copies of the draft environmental statement are available at the Roswell District Office, 1717 West Second Street, Featherstone Farms Bldg., Roswell, New Mexico 88201, Telephone (505) 622-7670.

Copies are available for inspection at the BLM District Office, 1717 W. Second, Roswell, New Mexico, and the BLM State Office, Federal Building, Santa Fe, New Mexico.

In addition to the above locations, reading copies are available at public and/or university libraries in Roswell, Carlsbad, Hobbs, Las Cruces, and Albuquerque, New Mexico.

Written comments will be accepted until July 29, 1979, which is the close of the 45-day public comment period. Comments should be addressed to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Public hearings will be held in Roswell on July 17, 1979, from 7 to 10 p.m. at the Roswell Inn and in Carlsbad on July 18, 1979 from 7 to 10 p.m. at the Holiday Inn.

The hearing will provide the BLM, under Section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies and the public.

Interested individuals, representatives of organizations, and public officials wishing to testify are requested to contact Tom Kiddoo, Public Affairs Specialist, at the BLM District Office in Roswell by July 11, 1979, phone (505) 622-7670. Written requests to testify should identify the organization represented, be signed by the prospective witness, and state a phone number for contact purposes. Because of time constraints, oral testimony will be limited to 10 minutes unless additional time is requested in advance.

Oral testimony can be supplemented with written statements at the time oral testimony is presented. Also, speakers with prepared speeches may file their text with the presiding officer whether or not they have been able to finish oral delivery in the allotted time. If time permits, following oral testimony by those who have given advance notice,

the hearings officer will give others an opportunity to be heard.

Dated: June 6, 1979.

Heather L. Ross,

Deputy Assistant Secretary.

[FR Doc. 79-18033 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 79-32]

Proposed Grazing Management Program for the Three Corners Planning Unit, Vernal, Utah; Availibility of Three Corners Grazing Management Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental statement for proposed grazing management of the Three Corners Planning Unit, located in the northeast corner of Utah approximately 20 miles north of Vernal, Utah. The planning unit includes a total of 190,536 acres of public land administered by the Bureau of Land Management, 34,230 of which are in Colorado.

The proposed action is to initially allocate the following animal unit months (AUMs) of forage: 15,788 for cattle; 3,655 for sheep; 9,684 for deer; 4,838 for elk; and 378 for antelope. In 15 to 20 years the proposed allocation of AUM's would be: 16,174 for cattle; 3,259 for sheep; 10,299 for deer; 6,091 for elk; and 380 for antelope.

The 50 existing allotments in the Three Corners Planning Unit are proposed to be combined into 39 allotments. The proposed action for these 39 allotments would include reserving one allotment for big game. Present allotment wide grazing is proposed to continue on 17 allotments and present improved management is proposed to continue on four allotments with existing management plans. The proposal includes the implementation of improved grazing management on 17 allotments.

Developments proposed for the Three Corners Planning Unit include 3.5 miles of stream bank fencing, 26.6 miles of division and allotment boundary fencing, and 52 water developments. Sage brush control is proposed on 1,620 acres.

The Bureau of Land Management invites written comments on the draft statement to be submitted by July 30, 1979, to the District Manager, Vernal District, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078.

Copies of the draft environmental statement are available at the Vernal District Office, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078. Telephone (801) 789-1362.

A copy of the statement may be reviewed at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.
Richfield District Office, 150 East 900 North Street, Richfield, Utah 84701.
Harold B. Lee Library, Brigham Young University, Provo, Utah 84601.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.
Vernal District Office, 170 South 500 East, Vernal, Utah 84078.
Uintah County Library, Courthouse, Vernal, Utah 84078.

Notice ia also given that oral and/or written comments will be recieved at a formal public hearing to be held on July 12 at the following location:

Uintah County Courthouse, Courtroom, Vernal, Utah, at 1 p.m. and at 7 p.m.

Witnesses presenting oral comment should limit their testimony to ten (10) minutes. Written requests to testify orally should be submitted to the District Manager, Vernal District, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, prior to the close of business, July 10, 1979.

Comments on the draft statement, whether written or oral, will receive equal consideration in the preparation of a final environmental statement.

Dated: June 6, 1979.

Heather L. Ross,

Deputy Assistant Secretary.

[FR Doc. 79-18035 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 79-31]

Proposed Grazing Management Program for the Randolph Environmental Statement Area, Rich County, Utah; Availability of Draft Environmental Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal court order, the Bureau of Land Management (BLM) has prepared a draft environmental statement for the proposed Randolph Grazing Management Program in Rich County, Utah.

The proposal consists of an initial action that would allocate 22,350 AUMs of livestock forage. The long-term action proposes an increase in the availability of livestock forage to 35,241 AUMs. Vegetation treatments, range developments, such as fences and water developments, and prescribed grazing treatments would be needed to facilitate this action. The objective of the proposal is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 140,298 acres of public land.

The Bureau of Land Management invites written comments on the draft statement to be submitted before July 30, 1979, to the District Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

A limited number of copies are available upon request to the District Manager at the above address. Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW, Washington, D.C. 20240, Telephone (202) 343-5717.
Salt Lake City District Office, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119, Telephone (801) 524-5348.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone (801) 524-4257.

Notice is hereby given that oral and/or written comments will be received at public hearings to be held at Randolph, Utah on July 18, 1979 at the Rich County Courthouse beginning at 1:00 p.m. and 7:00 p.m.

Written and oral comments on the draft environmental statement will receive consideration in preparation of the final environmental statement.

Dated: June 6, 1979.

Heather L. Ross,

Secretary.

[FR Doc. 79-18034 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Advisory Committee of the National Institute of Law Enforcement and Criminal Justice; Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, will meet on June 28, 1979 from 9:00 a.m. to 5:00 p.m. and on June 29, 1979 from 9:00 a.m. to 12:00 p.m. at the Holiday Inn, 480 King Street, Old Towne, Alexandria, Virginia.

The major topics of discussion will concern the Task Force on the National Institute of Justice, data utilization and access issues, and the unsolicited research program.

For further information, please contact Harry Bratt, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C. 20531 (301/492-9108).

H. Bratt,

Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-18040 Filed 6-8-79; 8:45 am]

BILLING CODE 4410-18-M

Law Enforcement Education Program; Fund Availability

The availability of institutional applications for participation in the Law Enforcement Education Program (LEEP) for academic year 1979-80, was announced in Volume 43, Number 243 of the Federal Register on Monday, December 18, 1978, 43 FR 58874. The President's fiscal year 80 budget request for LEAA to Congress has not included an appropriation for LEEP.

In the event that no money is appropriated for the 1980-81 academic year, it is the intention of LEAA to restrict funding of LEEP for the 1979-80 academic year to the $25 million authorized by Congress during FY 1979. This amount should be sufficient to satisfy the needs of returning and transfer students currently funded by the program, but is not sufficient to fund new students or new institutional admissions to the program.

For further information, please call 301/492-9040 and ask for the LEEP Coordinator responsible for your state.

Dated: June 1, 1979.

J. Price Foster,

Director, Office of Criminal Justice Education and Training.

[FR Doc. 79-18041 Filed 6-8-79; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-60]

NASA Wage Committee; Meeting

Pursuant to the provisions of Section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the NASA Wage Committee is scheduled for June 26, 1979, from 1:20 p.m. to 4:30 p.m. The meeting will be held in Room 226-B 600 Independence Avenue SW, Washington, DC 20546.

The Committee's primary responsibility is to consider and make recommendations to the NASA Director of Personnel on all matters involved in the development and authorization of a Wage Schedule for the Cleveland, Ohio, wage area pursuant to Pub. L. 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed schedule review therefrom.

Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairperson concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairperson, NASA Wage Committee, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio 44135.

Arnold W. Frutkin,

Associate Administrator for External Relations.

June 5, 1979.

[FR Doc. 79-18004 Filed 6-8-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ENDOWMENT FOR THE HUMANITIES

Humanities Panel; Notice of Meeting

June 5, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

1. Date and time: June 28 and 29, 1979; 9:00 a.m. to 5:00 p.m.
Room: 1023.
Purpose: To review applications for the development of humanities Special Program formats submitted to the National Endowment for the Humanities for projects beginning after October 1, 1979.
2. Date and time: June 28 and 29, 1979; 9:00 a.m. to 5:00 p.m.
Room: 807
Purpose: To review Museums and Historical Organizations applications submitted to the National Endowment for the Humanities for projects beginning after July 1, 1979.
3. Date and time: July 6, 1979; 9:00 a.m. to 5:30 p.m.
Room: 807
Purpose: To review applications submitted to the Public Library Program of the National Endowment for the Humanities for projects beginning after October 1, 1980.
4. Date and time: July 9 and 10, 1979; 9:00 a.m. to 5:30 p.m.
Room: 807
Purpose: To review applications submitted to the Museums and Historical Organizations Program of the National Endowment for the Humanities for projects beginning after July 1, 1979.
5. Date and time: July 9 and 10, 1979; 9:00 a.m. to 5:30 p.m.
Room: 1023
Purpose: To review applications submitted to the Division of State Programs of the National Endowment for the Humanities for projects beginning after September 1, 1979.
6. Date and time: July 11 and 12, 1979; 8:30 a.m. to 5:30 p.m.
Room: 807
Purpose: To review media grant applications in all the fields of the humanities submitted to the National Endowment for the Humanities for projects beginning after October 1, 1979.
7. Date and time: July 16 and 17, 1979; 9:00 a.m. to 5:30 p.m.
Room: 807
Purpose: To review applications submitted to the Museums and Historical Organizations Program of the National Endowment for the Humanities for projects beginning after July 1, 1979.

Because the proposed meetings will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meetings would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close these meetings to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-18059 Filed 6-8-79; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Improved Safety Systems Subcommittee; Meeting

The ACRS Improved Safety Systems Subcommittee will hold an open meeting on June 26, 1979, in Room 1046, 1717 H Street, N.W., Washington, DC 20555. Notice of this meeting was published on May 24, 1979 (44 FR 30177).

In accordance with the procedures outlined in the Federal Register on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Tuesday, June 26, 1979.—The meeting will commence at 8:30 a.m.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hold discussions with representatives of the NRC Staff and the Department of Energy (DOE), and their consultants, regarding their program plans for research to improve the light-water reactor safety systems, and expected changes in these programs due to the March 28, 1979 Three Mile Island, Unit-2 Accident. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time alloted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 4, 1979.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 79-17829 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.40, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW, Washington, D.C.

Dated this day June 1, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Gerald G. Oplinger,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Marubeni America Corp., 05/07/79, 05/09/79, XSNM01510	12.18% enriched uranium	620.000	75.516	For use in "Joyo" experimental fast breeder reactor.	Japan.
Mitsui and Company, 05/01/79, 05/07/79, XSNM01517	3.95% enriched uranium	30,451	842	Reload fuel for Fukushima, unit 3.	Japan.
Transnuclear, Inc., 05/03/79, 05/04/79, XU08461	Depleted uranium	126,000		Used for ballast purposes and metallurgical alloy tests.	France.
General Electric, 05/07/79, 05/10/79, XCOM0250	Six traversing incore probe detector assemblies for tarapur, value $112,000.				India.
Rhone-Poulenc, Inc., 05/8/79, 05/14/79, XM08462	Thorium	107,502.50		Monazite sand for extraction of yttrium to be resold commercially—uranium will be stored.	France.
	Uranium	10,886.33			

[FR Doc. 79-18055 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313[

Arkansas Power & Light Co.; Authorization To Resume Operation

The United States Nuclear Regulatory Commission issued an Order on May 17, 1979 (44 FR 29997), May 23, 1979), to Arkansas Power & Light Company (the licensee), holder of Facility Operating License No. DPR-51 for Arkansas Nuclear One, Unit No. 1 (ANO-1), confirming that the licensee accomplish a series of actions, both immediate and long term, to increase the capability artd reliability of ANO-1 to respond to various transient events. In addition, the Order confirmed that the licensee would maintain ANO-1 in a shutdown condition until the following actions had been satisfactorily completed:

(a) Upgrade of the timeliness and reliability of the Emergency Feedwater (EFW) System by performing the items specified in Enclosure 1 of the licensee's letter of May 11, 1979. Provide changes in design for NRC review.

(b) Develop and implement operating procedures for initiating and controlling EFW independent of Integrated Control System control.

(c) Implement a hard-wired control-grade reactor trip that would be actuated on loss of main feedwater and/or on turbine trip.

(d) Complete analyses for potential small breaks and deveop and implement operating instructions to define operator action.

(e) Assign at least one Licensed Operator who has had Three Mile Island Unit No. 2 training on the Babcock & Wilcox simulator to the control room (one each shift).

By submittal of May 17, 1979, as supplemented by letters dated May 21 and 22, 1979, the licensee has documented the actions taken in response to the May 17, Order. Notice is hereby given that the Director of Nuclear Reactor Regulation (the

Director) has reviewed this submittal and has concluded that the licensee has satisifactorily completed the actions prescribed in items (a) through (e) of paragraph (1) of Section IV of the Order, that the specified modifications and analyses are acceptable and the specified implementing procedures are appropriate. Accordingly, by letter dated May 31, 1979, the Director has authorized the licensee to resume operation of ANO-1. The bases for the Director's conclusions are more fully set forth in a Safety Evaluation dated May 31, 1979.

Copies of (1) the licensee's letters dated May 17, 21 and 22, 1979, (2) the Director's letter dated May 31, 1979, and (3) the Safety Evaluation dated May 31, 1979 are available for inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of May 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-18047 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-471]

Boston Edison Co. (Pilgram Nuclear Generating Station, Unit 2); Order for Resumption of Evidentiary Hearing

The evidentiary hearing in this matter shall resume on Monday, June 11, 1979, at 1:00 p.m., at the Memorial Hall, Blue Room, 83 Court Street, Plymouth, Massachusetts. If necessary, the hearing will continue at that same place through Friday, June 15, 1979.

So ordered.

Dated at Bethesda, Maryland, this 4th day of June, 1979.

For the Atomic Safety and Licensing Board.

Edward Luton,

Chairman.

[FR Doc. 79-18045 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358 OL]

Cincinnati Gas & Electric Co., et al., (William H. Zimmer Nuclear Station); Location of Evidentiary Hearing

As provided in the Licensing Board's Order of June 4, 1979, the evidentiary hearing in this proceeding, which is to commence at 9:30 a.m. on Tuesday, June 19, 1979 (see Notice of Evidentiary Hearing, published at 44 FR 29182 (May 18, 1979)), will be held at the U.S. District Court (Room 805), U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45202. Limited appearance statements will be taken on the morning of June 19 (after preliminary matters and the opening statements of the parties) and on Wednesday evening, June 20, 1979, from 7 p.m. to 9 p.m.

Dated at Bethesda, Maryland, this 5th day of June, 1979.

The Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman

[FR Doc. 79-18048 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Hearing

This Order changes only the time of day for the start of the evidentiary hearing session beginning on June 11, 1979.

Instead of 9:00 a.m., the hearing is hereby set to begin at 2:00 p.m. on Monday, June 11, 1979.

The place of hearing remains unchanged: Holiday Inn Beach Resort, the Lincoln Ballroom, Sheridan and Wadsworth Roads; Lake Front, Zion, Illinois.

So ordered.

Dated at Bethesda, Maryland, this 4th day of June, 1979.

For the Atomic Safety and Licensing Board.

Edward Luton,

Chairman.

[FR Doc. 79-18044 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295-SP and 50-304-SP]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Reconstitution of Board

Edward Luton, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another Federal Agency, where he will serve as an Administrative Law Judge, Mr. Luton is unable to continue his service on this Board.

Accordingly, John F. Wolf, Esq., whose address is 3409 Shepherd Street, Chevy Chase, Maryland 20015, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Maryland this 5th day of June 1979.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-18049 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, SC 705-4, is entitled "Ultrasonic Testing of Reactor Vessel Welds During Inservice Examination" and is intended for Division 1, "Power Reactors. It describes ultrasonic testing procedures acceptable to the NRC staff for implementing the Commission's regulations with regard to the preservice and inservice examination of reactor vessel welds in light-water-cooled nuclear power plants.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent

to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 6, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 4th day of June 1979.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79-18054 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-1308]

General Electric Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

General Electric Co.

(GE Morris Operation Fuel Storage Installation) Material License No. SNM-1265

This action is in reference to a notice published by the Commission on April 25, 1979, in the Federal Register (44 FR 24354) entitled "General Electric Co.; Consideration of renewal of Materials License No. SNM-1265 Issued to GE Morris Operation Fuel Storage Installation".

The Chairman of this Board and his address is as follows:

Andrew C. Goodhope, Esq., 3320 Estelle Terrace, Wheaton, Maryland 20906.

The other Members of the Board and their addresses are as follows:

Dr. Linda W. Little, 5000 Hermitage Drive, Raleigh, North Carolina 27612.

Dr. Forrest J. Remick, 305 E. Hamilton Avenue, State College, Pennsylvania 16801.

Dated at Bethesda, Maryland this 5th day of June 1979.

Robert M. Lazo,

Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc. 79-18060 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-64 issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the faciltity) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to require actuation of safety injection based on 2 out of 3 channels of low pressurizer pressure.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any signficant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1979, (2) Amendment No. 26 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's public Document Room, 1717 H Street, NW, Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 31st day of May, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-18061 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensee), which revise the Technical Specifications for the Salem Nuclear Generating Station, Unit No. 1 located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

This amendment (1) clarifies the moderator temperature coefficient specification, (2) reduces the required range of the condenser outlet temperature detectors, (3) revises the requirements for Type C containment isolation valve leakage tests, (4) conforms the containment structural integrity surveillance to CFR 50 Appendix J requirements, (5) authorizes the removal of the part-length control rods and (6) includes various administrative changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 29, September 25, 1978, February 16 and March 1, April 19 and 24, 1979, (2) Amendment No. 16 to License No. DPR-70 and (3) the Commission's related Safety Evaluations. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 79-18052 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305, License No. DPR-43]

Wisconsin Public Service Corp. (Kewaunee Nuclear Power Plant); Order for Prehearing Conference

A prehearing conference will be held beginning at 2:00 p.m., June 21, 1979 in the conference room of the Atomic Safety and Licensing Board Panel, Room 415, Fourth Floor, East West Towers, 4350 East West Highway, Bethesda, Maryland, to consider the items set forth in 10 CFR 2.752, including simplification and specification of the issues, the desirability of amending the pleadings, the possibility of obtaining stipulations and admissions, identification of witnesses, the setting of a hearing schedule, and such other matters as may aid in the orderly disposition of the proceeding. The parties or their counsel are directed to attend.

Dated at Bethesda, Maryland this 5th day of June 1979.

Ivan W. Smith,

Administrative Law Judge.

[FR Doc. 79-18053 Filed 6-8-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday, OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one-half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Donald W. Barrowman—447-6202

New Forms

Food and Nutrition Service
*Food Stamp/SSI Elderly Cash-Cut Demonstration
Other (See SF-83)
15 State welfare agencies, 15 responses; 8 hours
Charles A. Filett, 395-5080

Revisions

Economics, Statistics, and Cooperatives Service
Prices Paid by Farmers Surveys
Semi-annually
Farmers, ranchers, dealers selling farm prod. inputs, 136,800 responses; 27,360 hours
Off. of Federal Statistical Policy and Standard, 673-7974

Extensions

Food and Nutrition Service
Annual Report of Participation by Charitable Institutions
Semi-annually
State agencies responsible for USDA food distribution, 55 responses; 55 hours
Charles A. Filett, 395-5080

DEPARTMENT OF ENERGY

AGENCY CLEARANCE OFFICER—ALBERT B. LINDEN—633–8477

New Forms

Minority Energy Technical Assistance Program
(METAP)
CS–139
Single time
5,147 elected officials, 5,147 responses; 2,574 hours
Jefferson B. Hill, 395–5867

Application for a No-action Determination
(Properly Treated as a Stripper Well Property by a producer)
ERA–102
Single time
230 Dom. crude oil prod. 10,000 bar. of Oil or less/yr, 230 responses; 1,150 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245–7488

New Forms

Center for Disease Control
Census Enumeration Within 5 mile Radius of Three Mile Island,[1] Pennsylvania
Single time
Households within 5 mile radius of Three Mile Island, 15,000 responses; 7,500 hours
Richard Eisinger, 395–3214

Social Security Administration
Disability Experience Under Private Pension Plans
SSA–4669
Single time
3,500 Persons under private pension plans
Barbara F. Young, 395–6132

Revisions

Health Care Financing Administration (Medicaid)
Quarterly Showing
HCFA–41
Quarterly
State medicaid agencies, 212 responses; 9,964 hours
Richard Eisinger, 395–3214

Extensions

Alcohol, Drug Abuse and Mental Health Administration
Annual Census of Patient Characteristics—1978 State and County Mental Hospital Inpatient Service
ADM 45–1
Annually
State and county mental hospitals, 300 responses; 600 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Social Security Administration
Vocational survey form
HA–625
On occasion
551 Persons eligible for disability insurance, 120 responses; 240 hours
Barbara F. Young, 395–6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John T. Murphy—755–5190

New Forms

Administration (office of ass't sec'y)
HUD Section 202 Minority Participation Survey
Single time
800 Persons from nonprofit minority organizations, 800 responses; 400 hours
Arnold Strasser, 395–5080

Housing Management
Urban Inititiatives Anti-Crime Program Notices
H 79–10 (PHA) and H 79–11 (PHA)
Single time
All public housing agencies eligible, 200 responses; 9,600 hours
Arnold Strasser, 395–5080

Extensions

Housing Production and Mortgage Credit
Supplement to Application for an Insured Improvement Loan
FHA 2004C–1
On occasion
FHA-approved mortgages, 500 responses; 500 hours
Arnold Strasser, 395–5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Employment Standards Administration
Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era
CC–5
On occasion
Government contractors
Arnold Strasser, 395–5080

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632–0036

Extensions

Management Consultant Questionnaire
AID 1420–6
On occasion
Management consultants, 500 responses; 2,500 hours
Marsha D. Traynham, 395–6140

A.I.D. Urban and Regional Planner Consultant Questionnaire
AID 1420–19
On occasion
Urban and regional planner consultants, 100 responses; 400 hours
Marsha D. Traynham, 395–6140

Investor's Report
AID 1520–10
Monthly
Investors in aid housing guaranty loans, 1,080 responses; 1,080 hours
Marsha D. Traynham, 395–6140

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Extensions

Request for Payment by Qualified Organizations
G–740B
On occasion
Railroad hosp. associations and physicians, 40,000 responses; 6,666 hours
Barbara F. Young, 395–6132

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—John Reidy—653–6061

Extensions

Business Loan Application
SBA Form 4 SBA Form 4–I
On occasion
Sm. Bus. request. SBA assist. Elig. for 7(A) hal loans, 50,000 responses; 175,000 hours
Richard Sheppard, 395–3211

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-17789 Filed 6-8-79; 8:45 am]
BILLING CODE 3110-01-M

[1] This report is likely to be approved within a few days because of the urgent need to begin collecting information in the Three Mile Island area.

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Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

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The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley F. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF ENERGY

(Agency Clearance Officer—John Gross—252-5214)

New Forms

Natural Gas Policy Survey
EIA-149
Single time
Natural gas pipelines distributors and large endusers, 5,000 responses, 250,000 hours
Jefferson B. Hill, 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Agency Clearance Officer—Peter Gness—245-7488)

New Forms

Alcohol, Drug Abuse and Mental Health Administration
Women's Occupational Alcoholism Project
Single time
Company employees and treatment programs, 16,652 responses, 3,440 hours
Richard Eisinger, 395-3214
Food and Drug Administration
Utilization, Quality Assurance, and Training Practices of Computed Tomography Facilities
Single time
Medical X-ray facilities
Richard Eisinger, 395-3214
National Institutes of Health
Sex Role Development and the Single Child Family
Single time
No description from the agency
Office of Federal Statistical Policy and Standard, 673-7974

Revisions

Alcohol, Drug Abuse and Mental Health Administration
Study of Evaluation in Drug Abuse Treatment Programs
Single time
Management personnel, 563 responses, 237 hours
Office of Federal Statistical Policy and Standard, 673-7974
Office of Human Development
* Quarterly Estimates of Expenditures Under Approved Child Welfare Services Plan and Request for Grant Award
CWS-10
Quarterly
State public welfare agencies, 220 responses, 66 hours
Barbara F. Young, 395-6132
Office of Human Development
* Annual Budget for Child Welfare Services
CWS-2
Annually
State public welfare agencies, 55 responses, 28 hours
Barbara F. Young, 395-6132

Extensions

Health Care Financing Administration (Departmental)
Summary of Utilization at Different Levels of Care
HCFA-L-70T
Single Time
105 PSRO's That Have Implemented Review by 12-78, 105 responses; 26 hours
Richard Eisinger 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Agency Clearance Officer—John T. Murphy—755-5190)

New Forms

Housing Management
Report on Families Moving into Low-Rent Housing and Report on Regular Reexamination of Families in Low-Rent Housing
HUD-51227, HUD-51245
Single time
Public Housing Agencies, 2,800 responses; 4,200 hours
Arnold Strasser, 395-5080

Revisions

Policy Development and Research
Annual Housing Survey—National Sample
AHS-1, 2, 3, 4(I1), 4(I2), & 6
Annually
Households in 461 PSU Design, 80,000 responses; 40,000 hours
Policy Development and Research
*Board of Commissioners Survey Instrument
PH-6
Annually
Chairpersons of PHA Boards of Commissioners, 16 responses; 8 hours
Off. of Federal Statistical Policy & Standard, 673-7974
Policy Development and Research
*Project Staff Survey Instrument
PH-2
Annually
Employees of PHA Housing Project, 80 responses; 40 hours
Policy Development and Research
Household Survey Instrument

PH-1
Annually
Residents of PHA Housing Projects, 500 responses; 500 hours
Policy Development and Research
Project Manager Survey Instrument
PH-3
Annually
Project Managers of PHA Housing Projects, 16 responses; 32 hours
Policy Development and Research
*Housing Authority Staff Survey Instrument
PH-4
Annually
Employees of PHA Central Offices, 320 responses; 160 hours
Policy Development and Research
Executive Director Survey Instrument
PH-5
Annually
Executive Directors of Public Housing Agencies, 16 responses; 16 hours

DEPARTMENT OF JUSTICE

(Agency Clearance Officer—Donald E. Larue—633-3526)

Revisions

Law Enforcement Assistance Administration
Survey of Inmates of State Correctional Facilities
LEAA 3400
Single Time
Inmates in State Correctional Facilities, 12,000 responses; 10,000 hours
Off. of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF LABOR

(Agency Clearance Officer—Philip M. Oliver—523-6341)

New Forms

Labor Management and Service Administration
Survey Instrument to Collect Data on Private Pension Plan Benefits
LMSA 92T
Single time
Private Pension Plan Administrators, 1,500 responses; 7,800 hours
Arnold Strasser, 395-5080

Revisions

Bureau of Labor Statistics
Occupational Wage Survey Program; Authorization to Release Data; Wage and Salary Survey (Form 552)
BLS 2751A, 2752A 2752B, 2753F, 2753G, 275AF, St. of Calif. form 552
On occasion
Establishments in Specified SIC's & SMSA's, 30,800 responses; 92,400 hours
Off. of Federal Statistical Policy & Standard, 673-7974
Employment and Training Administration
Targeted Jobs Tax Credit (TJTC) Report forms
ETA 8468 thru ETA 8473
On occasion
SESAS & Other Participating Agencies, 15,001,560 responses; 1,250,390 hours
Arnold Strasser, 395-5080

DEPARTMENT OF TRANSPORTATION

(Agency Clearance Officer—Bruce H. Allen—426-1887)

New Forms

Federal Highway Administration
Journey-to-Work Supplement to the 1979 National Annual Housing Survey
Single time
Households in 461 PSU Design, 62,000 responses; 1,033 hours
Susan B. Geiger, 395-5867

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-18113 Filed 6-8-79; 8:45 am]
BILLING CODE 3110-01-M

PRESIDENT'S COMMISSION ON THE ACCIDENT AT THREE MILE ISLAND

Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following meeting:

Name: President's Commission on the Accident at Three Mile Island
Place: 2100 M Street, N.W.
Time: Wednesday, June 13 and Thursday, June 14, 1979 at 9:30 a.m.

Proposed Agenda:

I Discussion of Staff Personnel and Procedures; and
II Discussion of Issuance of *subpoenas ad testificandum* and *duces tecum.*

The Commission was established by Executive Order 12130 on April 11, 1979, to conduct a comprehensive study and investigation of the accident involving the nuclear power facility on Three Mile Island in Pennsylvania. The June 13 and 14 meetings of the Commission were announced in the Federal Register of May 17, 1979 (44 FR 28903).

Due to the nature of the items to be discussed, the Commission's desire to avoid the invasion of personal privacy, and the premature discussion of persons or entities to be subpoenaed, the meeting is closed to the public. The Commission voted 8-0 to change the meeting, time and format, as originally announced. Inquiries should be addressed to Barbara Jorgenson (202) 653-7677.

Dated: June 6, 1979.
Barbara Jorgenson,
Public Information Director.

[FR Doc. 79-18037 Filed 6-7-79; 8:45 am]
BILLING CODE 6820-AJ-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket HS-79-8]

Algers, Winslow & Western Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Algers, Winslow & Western Railroad (AWW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the AWW be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The AWW seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS079-8, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590. Communications received before July 16, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be

considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on June 1, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-18015 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-7]

Camino, Placerville & Lake Tahoe Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Camino, Placerville & Lake Tahoe Railroad (CPLT) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the CPLT be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The CPLT seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-7, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

Communications received before July 16, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on June 1, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-18014 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-79-6]

Green Mountain Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Green Mountain Railroad (GMRC) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the GMRC be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The GMRC seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-79-6, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

Communications received before July 16, 1979, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

(Sec. 5, Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on June 1, 1979.

J. W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 79-18016 Filed 6-8-79; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 178]

Authority To Obligate Funds for Payment to Third Parties Who Request Reimbursement for Cost of Complying With a Summons; Delegation

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to obligate funds for payment to third parties who request reimbursement for the costs of complying with summonses is being delegated to certain officials of the Internal Revenue Service. The text of the delegation order appears below.

EFFECTIVE DATE: June 5, 1979.

FOR FURTHER INFORMATION CONTACT: Charles H. Jenkins, Jr. RM:F:S, 1111 Constitution Avenue NW., Washington, DC 20224. (202) 566-6851 (Not Toll Free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal

Register for Wednesday, November 8, 1978.

Joseph F. Kump,

Fiscal Management Officer.

1.The authority granted to the Commissioner of Internal Revenue by Treasury Department Order No. 150–37, in accordance with authority provided to the Internal Revenue Service in Comptroller General B–158810 (October 22, 1976) 56 Comp. Gen. 36 (1976) and (effective after February 28, 1977) in the Internal Revenue Code of 1954, Section 7610, as enacted by the Tax Reform Act of 1976 (Public Law 94–455, Section 1205, 90 Stat. 1699, 1702 (as amended)), to obligate appropriated funds for payment of search costs, reproduction costs and transportation costs in connection with third party summonses issued under the Internal Revenue laws, is delegated to the officials specified in paragraphs 2, 3, and 4 of this Order.

2. The Assistant Commissioner (Inspection).

a. This authority may be redelegated to the Director, Internal Security Division, with respect to any such obligation not exceeding $1,000 for payment of such costs associated with any one summons.

b. This authority may also be redelegated to Regional Inspectors, Assistant Regional Inspectors (Internal Security) and Chiefs, Investigations Branches, with respect to any such obligation not exceeding $500 for payment of such costs associated with any one summons.

3. Regional Commissioners, who will obtain the concurrence of appropriate Assistant Commissioners through the Fiscal Management Officer, National Office, before obligating over $5,000 for payment of such costs associated with any one summons. This authority may not be redelegated.

4. District Directors and the Director of International Operations may obligate up to $5,000 for payment of such costs associated with any one summons.

a. This authority may be redelegated to Chiefs of Divisions with respect to any such obligation not exceeding $2,500, except this authority in streamlined districts is limited to the District Director.

b. This authority may also be redelegated to the officers and employees listed in (1) through (5), below, with respect to any such obligation not exceeding $1,000.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers, GS–9 and above.

(2) District Criminal Investigation: Special Agents.

(3) District Collection: Revenue Officers, GS–9 and above.

(4) District Examination: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations: Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

5. The authority delegated herein may not be redelegated except as provided in paragraphs 2 and 4.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-16019 Filed 6-8-79; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 179]

Coordination of Certain Issues Before Approval of Settlement or Other Disposition Appeals; Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This Delegation Order grants authority to the Director, Appeals Division, to designate certain Regional Directors of Appeals to coordinate Appeals Coordinated Issues. It further grants authority to the designated Regional Director of Appeals to concur in the proposed disposition of the Appeals Coordinated Issue. The text of the Delegation Order appears below.

EFFECTIVE DATE: July 2, 1979.

FOR FURTHER INFORMATION CONTACT: B. H. Oetjen CP:AP, 1111 Constitution Ave NW., Rm. 2313, Washington, D.C. 20224, Telephone: 202–566–4795 (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

Bernard H. Oetjen,

Chief, Special Services Branch, Appeals Division.

The authority vested in the Commissioner of Internal Revenue by IRC 7802 and Treasury Department Order No. 150–37 is delegated as follows:

1. The Director, Appeals Division, is authorized to designate certain Regional Directors of Appeals to coordinate Appeals Coordinated Issues, as defined in paragraph 3.

2. The Regional Director of Appeals of a designated region is authorized to concur in the disposition of an Appeals Coordinated Issue as proposed by the Appeals Office having jurisdiction over a case containing such Appeals Coordinated Issue.

3. An Appeals Coordinated Issue is an issue of wide impact or importance frequently involving an entire industry or occupational group, large groups of partners, shareholders, creditors, beneficiaries, employees, contractors, or other parties, which the Director, Appeals Division, identifies for coordination because of the need or desirability for consistent treatment by the Internal Revenue Service.

4. Upon identification by the Director, Appeals Division, of the Appeals Coordinated Issue(s), and notification thereof to the affected Appeals Offices, the designated Regional Director of Appeals shall assist, guide, and advise the Appeals Office having jurisdiction over such Appeals Coordinated Issue toward effecting proper disposition thereof.

5. The authority delegated in paragraph 1, above, may not be redelegated.

6. The authority delegated in paragraphs 2 and 4, above, may be redelegated to an Appeals Office Chief.

Jerome Kurtz,

Commissioner.

[FR Doc. 79-16021 Filed 6-8-79; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order 66 (Rev. 9); (Chief Counsel's Order 1031.2c]

Delegation of Authority of Regional Director of Appeals in Protested Tax Court Cases

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The delegation of authority to the Chief and Associate Chief to determine tax liability is limited in certain coordinated issue cases. The text of the delegation order appears below.

EFFECTIVE DATE: July 2, 1979.

FOR FURTHER INFORMATION CONTACT: B. H. Oetjen, CP:AP, 1111 Constitution Ave. NW., Rm. 2313, Washington, D.C. 20224, Telephone: 202–566–4795 (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal

Register for Wednesday, November 8, 1978.

B. H. Oetjen,

Chief, Special Services Branch, Appeals Division.

The authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6020–1, 26 CFR 301.6201–1, 26 CFR 302.7701–9 and Treasury Department Order No. 150–37, is hereby delegated as follows:

1. (a) In each region the Regional Commissioner and the Regional Director of Appeals are authorized and each Chief and Associate Chief, Appeals Office are authorized to represent the Commissioner in determining liability, qualification, exempt status or foundation classification for the following types of cases not docketed in the United States Tax Court when the taxpayer does not agree with the determination made by the District Director or by the Director of International Operations and requests consideration by the Regional Director of Appeals:

(1) Except as excluded under paragraph 5 of this Order, liability for excise, employment, income, profits, estate (including extensions for paying estate tax under Internal Revenue Code Section 6161(a)(2)) and gift taxes including additions to tax, additional amounts and assessable penalties under Chapter 68 of Subtitle F of the Internal Revenue Code of 1954 or corresponding provisions of the Internal Revenue Code of 1939;

(2) Initial or continuing qualification under Subchapter D of Chapter 1 of the Internal Revenue Code of 1954 and initial or continuing exempt status and foundation classification, *except* when a National Office ruling on the case with respect to exempt status or foundation classification, or National Office Technical Advice, with respect to qualification, exempt status or foundation classification, has been issued. In certain instances such as cases arising from the Examination Division or cases in which a National Office Technical Advice covers only a portion of the qualification issue of an employee plan, Appeals officials will have jurisdiction over the *proposed action* where a National Office ruling on the case with respect to exempt status or foundation classification or a National Office Technical Advice, with respect to qualification, exempt status or foundation classification has been issued. If the Appeals proposed disposition is contrary to the National Office ruling on the case with respect to exempt status or foundation classification or the National Office Technical Advice with respect to qualification, exempt status or foundation classification, the Assistant Commissioner (Employee Plans and Exempt organizations) or the Assistant Commissioner (Technical), in Internal Revenue Code Section 521 cases, will make the final decision.

(b) The authorities delegated in this paragraph are subject to the exceptions set forth in paragraph 3 of this Order and they may not be redelegated, except, the authority with respect to appeals of assessed penalties may be redelegated by the Regional Director of Appeals to Appeals Officers.

2. (a) In conformity with the provisions of Delegation Order No. 60 (as revised), in each income, excise, profits, estate, and gift tax case docketed in the United States Tax Court, the Regional Director of Appeals is authorized and each Chief and Associate Chief, Appeals Office, is authorized to perform those functions delegated to the Regional Commissioner in that joint Order.

(b) The authorities delegated in this paragraph are subject to the exceptions set forth in paragraph 3 of this Order and may not be redelegated.

3. (a) The authorities delegated to the regional officials do not include authority to:

(1) Eliminate the ad valorem fraud penalty in any case in which the penalty has been determined by the district office or service center office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of Counsel; or

(2) Act in any case in which a recommendation for criminal prosecution is pending, except with the concurrence of Counsel.

(b) If the coordinating official has not concurred in any case referred to in paragraphs 1 and 2 of this Order involving an Appeals Coordinated Issue, except in the event of a final decision made by the Assistant Commissioner (Employee Plans and Exempt Organizations) or the Assistant Commissioner (Technical) as referred to in paragraph 1(a)(2) of this Order, the Regional Director of Appeals in the region having jurisdiction over the case makes the final determination as to the disposition of the Appeals Coordinated Issue. This authority may not be redelegated.

4. In any case not docketed in the Tax Court in which a statutory notice was issued by the office of a District Director, by a Service Center Director or by the Director of International Operations, the Regional Director of Appeals may relinquish the requested jurisdiction by waiver to the office of that Director. No such waiver shall be made in any case in which criminal prosecution has been recommended and not finally disposed of; nor in any case in which the determination in the statutory notice includes the ad valorem fraud penalty. Notwithstanding any such waiver, upon filing of a petition with the Tax Court, jurisdiction shall revest in the Regional Director of Appeals.

5. The excise and employment taxes subject to the provisions of this Order include any Federal excise or employment tax under the Internal Revenue Code of 1954, except any tax imposed by the following provisions or corresponding provisions of the Internal Revenue Code of 1939:

(a) Subtitle E; or

(b) Subchapter D, Chapter 78 of Subtitle F, insofar as it relates to taxes imposed under Subtitle E.

6. The authority to make and subscribe to a return under provisions of Code section 6020 is delegated to Appeals Officers.

7. The authorities contained in this Order are intended to supplement the authorities contained in Delegation Order No. 60 (as revised).

8. This Order supersedes Commissioner's Delegation Order No. 60 (Rev. 8) and Chief Counsel's Order No. 1031.2B, dated October 1, 1978.

Jerome Kurtz,

Commissioner.

[FR Doc. 79–18020 Filed 6–8–79; 8:45 am]

BILLING CODE 4830–01–M

Public Inspection of Written Determinations; Notice of Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Intention to Disclose.

SUMMARY: This document provides notice that the Service intends to make open to public inspection certain written determinations. This notice also explains how any person may determine whether any of the described written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions. This

document does not meet the criteria for significant regulations set forth in paragraph eight of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978.

DATES: Persons wanting to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice are requested to contact the Service by June 26, 1979.

Requests for additional deletions must be submitted by July 16, 1979. A petition in the United States Tax Court must be filed by August 27, 1979. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determinations described in this notice will be made open to public inspection on September 28, 1979.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Internal Revenue Service, Attention: T:FP:R, Ben Franklin Station, Post Office Box 7604, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: George E. Freeland of the Rulings Disclosure Branch. Tax Forms and Publications Division, Office of the Assistant Commisioner, Technical; 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection reference written determinations issued before January 1, 1954, by the Bureau of Internal Revenue.

Deletions

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with proposed deletions indicated. Such requests should be submitted by June 26, 1979. Such requests must indicate the specific name of the party to which the written determination pertains, for example, a corporation acting on behalf of one or more subsidiaries must indicate the name of such subsidiary or subsidiaries. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should deleted. Any request for additional deletions must be submitted by July 16, 1979, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by August 27, 1979.

Additional Disclosure

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determination pertains before further action is taken.

Background File Documents

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received.

Any notice regarding background file documents or requests for additional disclosure and any other correspondence relating to public inspection of written determinations, will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. on September 28, 1979. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 79-18003 Filed 6-8-79; 8:45 am]

BILLING CODE 4830-01-M

INTERSTATE COMMERCE COMMISSION

Permanent Authority Applications; Decision-Notice

Correction

In FR Doc. 79-14241, published at page 26827, on Monday, May 7, 1979, on page 26830, in the third column, in the first paragraph beginning "MC 115826 . . .", in the 12th line, ". . . AK, HI, ME, . . ." should be corrected to read ". . . AK, HI, IN, ME, . . .".

BILLING CODE 1505-01-M

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc 79-10000, published at page 19577, on Tuesday, April 3, 1979, on page 19589, in the middle column, in the first paragraph beginning "MC 140717 . . .", in the 20th line, ". . . AL, GA, and TN," should be corrected to read ". . . AL, AR, GA, and TN,".

BILLING CODE 1505-01-M

[Notice No. 87]

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One

copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 21866 (Sub-117TA), filed March 30, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave. Boyertown, PA 19512. Representative: Alan Kahn, 1290 Two Penn Center Plaza, Phila., PA 19102. *Automotive parts and materials and supplies* used in the manufacture of automotive parts (except commodities in bulk), between facilities of Ford Motor Co. at points in MI and OH, on the one hand, and, on the other, points in NJ and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., One Parklane Blvd., Parklane Towers East, Suite 200, Dearborn, MI 48126. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Phila., PA 19106.

MC 21866 (Sub-118TA), filed March 30, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Phila., PA 19102 *Automotive parts, and materials and supplies* used in the manufacture of automotive parts (except commodities in bulk), from facilities of Ford Motor Co. at Chicago, IL to facilities of Ford Motor Co. at Mahwah, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., One Parkland Blvd., Parklane Towers E., Suite 200, Dearborn, MI 48126. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Phila., PA 19106.

MC 21866 (Sub-119TA), filed April 3, 1979. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Phila., PA 19102 *Plastic pellets,* except in bulk, from the facilities of Texapol Corp. in or near Bethlehem, PA to Lindstrom, MN; Chicago, IL and Detroit, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texapol Corp., 500 Ronca Commerical Park, Bethlehem, PA 18017. Send protests to: T. M. Esposito, Trans, Asst., 101 S. 7th St., Room 620, Phila., PA 19106.

MC 31367 (Sub-32TA), filed April 30, 1979. Applicant: H. F. CAMPBELL & SON, INC., P.O. Box 260, Millerstown, PA 17062. Representative: John M. Musselman, 410 N. Third St., Harrisburg, PA 17108. Foods and food products, and materials, supplies and equipment used in the production, storage and distribution of foods and food products, in refrigerated vehicles, between the facilities of Empire Kosher Poultry, Inc. at Mifflintown, Bird-in-Hand, and Kistler, PA, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MO, NC, NJ, NY, OH, RI, SC, VA, VT, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Empier Kosher Poultry, Inc., P.O. Box 165, Mifflington, PA 17159. Send protests to: ICC, Federal Reserve Bank Bldg., 101 No. Seventh St., Room 620, Phila., PA 19106.

MC 35227 (Sub-10TA), filed April 27, 1979. Applicant: EDSON EXPRESS, INC., 1270 Boston Ave., P.O. Box 925, Longmont, CO 80501. Representative: Richard P. Kissinger, 50 South Steele St., Suite 330, Denver, CO 80209. *Common* carrier; *regular* route: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Denver, CO and Sheridan, WY serving the intermediate points of Cheyenne, Douglas, Casper, and Buffalo, WY, and serving all points in Campbell, County, WY as intermediate and off-route points, over the following described routes: from Denver over U.S. Hwy 87 and Interstate Hwy. 25 to Sheridan, and return over the same route; from Denver over U.S. Hwy 87 and Interstate Hwy. 25 to junction WY Hwy. 59, then over WY Hwy. 59 to junction Interstate Hwy. 90; then over Interstate Hwy. 90 to Sheridan and return over the same route; from Denver over U.S. Hwy. 87 and Interstate Hwy. 25 to junction U.S. Hwy. 87 with WY Hwy. 387 (near Midwest, WY), then over WY Hwy. 387 to junction WY Hwy. 387 with WY Hwy. 59, then over WY Hwy. 59 to junction Interstate Hwy. 90, then over Interstate Hwy. 90 to Sheridan, and return over the same routes; this authority sought includes authority to serve the commerical zones of each of the service points involved in the application, for 180 days. Underlying ETA filed requesting 90 days authority. Supporting shipper: Over 100 shipper statements available for inspection at the Denver field office or in Washington, D.C. headquarters. Send protests to: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting shipper(s): Over 100 statements. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 39167 (Sub-16TA), filed April 17, 1979. Applicant: C. J. ROGERS TRANS. CO., 2947 Greenfield Road, Melvindale, MI 38122. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. *Iron and Steel articles,* (1) from the facilities of Republic Steel Corporation at Chicago, IL and Gary, IN to points in MI and OH; and (2) from the facilities of Republic Steel Corporation at Canton, Cleveland, Elyria, Massillon, Niles, Warren, and Youngstown, OH to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corporation, P.O. Box 6778, Cleveland, OH 44101. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 41406 (Sub-141TA), filed March 26, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2178, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Ave., Hammond, IN 46323. *Agricultural, Construction* & industrial machinery, engines and equipment and merchandise as is dealt in or used by lawn, garden and leisure product dealers, for 180 days. Supporting shipper(s): Allis-Chalmers Corp., P.O. Box 512, Milwaukee, WI 53201. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 41406 (Sub-142TA), filed April 27, 1979. Applicant: ARTIM

TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, same address as applicant. *Aluminum sheet,* from the facilities of Alcan Aluminum Corporation at Oswego, NY to Hastings and Lincoln Park, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alcan Aluminum Corporation, 100 Erieview Plaza, Cleveland, OH 44114. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 S. Dearborn St., Chicago, IL 60604.

MC 42487 (Sub-913TA), filed April 27, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier:* regular routes: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Lansing, MI and Muskegon, MI, serving the intermediate point of Grand Rapids, MI: From Lansing over Business Interstate Hwy 96 to junction Interstate Hwy 96, then over Interstate Hwy 96 to junction Business Interstate Hwy 96 near Muskegon Heights, MI, then over Business Interstate Hwy 96 to Muskegon, and return over the same route. (2) Between Battle Creek, MI and Muskegon, MI, serving the intermediate points of Holland and Grand Haven, MI: From Battle Creek over MI Hwy 89 to Allegan, MI, then over MI Hwy 40 to Holland, MI, then over U.S. Hwy 31 to Muskegon, and return over the same route. (3) Between Kalamazoo, MI and Grand Rapids, MI: From Kalamazoo over U.S. Hwy 131 to Grand Rapids, and return over the same route. (4) Between Grand Rapids, MI and Holland, MI: From Grand Rapids over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, and return over the same route. (5) Between junction U.S. Hwy 20 and Interstate Hwy 94 (near Michigan City, IN) and Holland, MI: From junction U.S. Hwy 20 and Interstate Hwy 94 (near Michigan City, IN) over Interstate Hwy 94 to junction Interstate Hwy 196, then over Interstate Hwy 196 to junction Business Interstate Hwy 196, then over Business Interstate Hwy 196 to Holland, MI, and return over the same route. (6) Between Battle Creek, MI and Grand Rapids, MI: From Battle Creek over MI Hwy 37 to Grand Rapids, and return over the same route. Serving all intermediate and off-route points in Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Newaygo, Oceana, and Ottawa Counties, MI in connection with routes (1) through (6) described above. Applicant seeks to serve all points in the Commercial Zones of Grand Haven, Grand Rapids, Holland and Muskegon, MI. Applicant intends to tack; for 180 days. Supporting shipper(s): There are 38 supporting shippers to this application. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

(Sub-914TA), filed May 3, 1979. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linefield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and commodities requiring special equipment. (1) Between Omaha, NE and Lincoln, NE, serving the intermediate point of Greenwood, and all intermediate points in Douglas, Lancaster and Sarpy Counties, NE, for joinder only: From Omaha over U.S. Hwy. 6 to Lincoln, and return over the same route. (2) Between Omaha, NE and Beatrice, NE serving all intermediate points, for joinder only: From Omaha, over U.S. Hwy. 6 to junction U.S. Hwy. 77, then over U.S. Hwy. 77 to Beatrice, and return over the same route. (3) Between Omaha, NE and Hastings, NE, serving all intermediate points in Adams, Lancaster and Saline Counties, NE, for joinder only: From Omaha over U.S. Hwy. 6 to junction U.S. Hwy. 281, then over U.S. Hwy. 281 to Hastings, and return over the same route. (4) Between Omaha, NE and Lexington, NE, serving all intermediate points in Buffalo, Dawson, Hall, Hamilton, Lancaster, Seward and York Counties, NE, for joinder only: From Omaha over U.S. Hwy. 6 to junction U.S. Hwy. 34, then over U.S. Hwy. 34 to junction U.S. Hwy. 281, then over U.S. Hwy. 281 to junction U.S. Hwy. 30, then over U.S. Hwy. 30 to Lexington and return over the same route. (5) Between Omaha, NE and junction U.S. Hwy. 281 and U.S. Hwy. 34, near Grand Island, NE serving all intermediate points, for joinder only: From Omaha over U.S. Hwy. 6 to junction U.S. Hwy. 281 then over U.S. 281 to junction U.S. Hwy. 281 and U.S. Hwy. 34, near Grand Island, and return over the same route. (6) Between Omaha, NE and Beatrice, NE, serving all intermediate points in Gage County, NE for joinder only: From Omaha over U.S. Hwy. 275 to junction U.S. Hwy. 136 near Rockport, MO, then over U.S. Hwy. 136 to Beatrice, and return over the same route. (7) Between Lexington, NE and Cheyenne, WY, serving all intermediate points in Buffalo and Dawson Counties, NE and serving the junction U.S. 30 and U.S. Hwy. 26 at Ogallala, NE for joinder only: From Lexington over U.S. 30 to Cheyenne, and return over the same route. (8) Between junction U.S. Hwy. 30 and U.S. Hwy. 26 at Ogallala, NE and Casper, WY, serving no intermediate points for joinder only: From junction U.S. Hwy. 30 and U.S. Hwy. 26 at Ogallala, over U.S. Hwy. 26 to junction NE Hwy. 92, then over NE Hwy. 92 to junction NE Hwy. 79E, then over NE Hwy. 79E to junction U.S. Hwy. 26 near Minatare, NE, then over U.S. Hwy. 26 to Casper, and return over the same route. Serving all other points in Adams, Dawson, Douglas, Gage, Hall, Hamilton, Jefferson, Kearney, Lancaster, Saline, Sarpy, Seward and York Counties, NE as off route points in connection with the routes described above.

Note.—Applicant intends to tack.

Applicant intends to tack the proposed authority with its present authority at Cheyenne, WY; Casper, WY and Omaha, NE. Present authority to serve Cheyenne and Casper, WY is found in applicants Docket No. MC 42487 Sub 431. The authority to serve Omaha, NE is held pursuant to authority granted in Docket No. MC-F-13340, Consolidated Freightways Corporation of Delaware Purchase—(portion) Ringsby Truck Lines, Inc. A sub number has not been issued by the Commission, at this time. Applicant proposes to interline traffic with its present connecting carriers at authorizes interline points throughout the United States as provided in Tariffs on file with the Interstate Commerce Commission for 180 days. Supporting shipper(s): There are 63 supporting shippers to this application. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 42487 (Sub-915TA), filed May 1, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. *Common carrier: regular routes:* General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Lake Charles, LA and Leesville, LA serving the intermediate point of De Ridder, LA and

the off-route point of Fort Polk, LA for the purpose of joinder only: From Lake Charles, over U.S. Hwy 171 to Leesville, and return over the same route for 180 days. Supporting shipper(s): Ampacet Corporation, c/o Tariff, P.O. Box 375, Hazlet, NJ 07730 and Westvaco Corporation, 299 Park Ave., New York, NY. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105. Supporting shipper(s): Ampacet Corporation, c/o Tariff, P.O. Box 375, Hazlett, NJ 07730, Westvaco Corporation, 299 Park Ave., New York, NY. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

Note.—Applicant proposes to Tack the authority sought here at Lake Charles, LA with its existing operating authority.

MC 51146 (Sub-690TA), filed May 7, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Metal containers* from facilities of Jos. Schlitz Brewing Co. at Oak Creek, WI to Michigan City and LaPorte, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corp., 8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 51146 (Sub-691TA), filed May 10, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Containers and container closures* from facilities of The Continental Group, Inc. at or near Perry & Atlanta, GA to St. Louis, MO; Quincy, IL; Columbus & Washington, OH; Indianapolis, IN; St. Joseph, Benton Harbor, Shoreham and Holland, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 59457 (Sub-44TA), filed May 7, 1979. Applicant: SORENSEN TRANSPORTATION CO., INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Printed matter and equipment, materials and supplies* used at the facilities of manufacturers and distributors of printed matter, between (a) Atlanta, GA on the one hand, and, on the other, Washington, DC, Lancaster, PA, Bethany, Bristol and Old Saybrook, CT, and (b) from Norwalk, CT to Atlanta, GA, for 180 days. Supporting shipper(s): Time, Incorporated, Time & Life Building, Rockefeller Center, New York, NY 10020. Modern Printing & Lithography, Inc., 10 Pearl Street, Norwalk, CT 06852. Send protests to: J. D. Perry, Jr., DC, ICC, 135 High Street, Hartford, CT 06103.

MC 59957 (Sub-54TA) filed May 3, 1979. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Rd. & Toronita St., York, PA 17402. Representative: William A. Chesnutt, 1776 "F" St., N.W., Washington, D.C. 20006. *General commodities* (except articles of unusual value, and except dangerous explosives, livestock, commodities in bulk, and commodities requiring special equipment), Between Waukegan, IL and Milwaukee, WI, serving all intermediate points in Wisconsin: From Waukegan, IL over IL Hwy. 42 to the Illinois-Wisconsin State line, then over WI Hwy. 32 to junction WI Hwy. 100, then over WI Hwy. 100 to junction WI Hwy. 59, and then over WI Hwy. 59 to Milwaukee, and return over the same route; From Waukegan, IL over IL Hwy. 42 to the Illinois-Wisconsin State line, then over WI Hwy. 32 to junction WI Hwy. 100, then over WI Hwy. 100 to junction Milwaukee County Hwy. H, and then over Milwaukee County Hwy. H to Milwaukee, and return over the same route. Serving Fox Point, Greendale, Shorewood, Wauwatosa, and Whitefish Bay, WI as off-route points in connection with carrier's regular-route operations to and from Milwaukee, WI. Between Waukegan, IL and Milwaukee, WI, serving Kenosha and Racine, WI as off-route points: From Waukegan, IL over IL Hwy. 42 to junction IL Hwy. 132, then over IL Hwy. 132 to junction U.S. Hwy. 41, then over U.S. Hwy. 41 to Milwaukee and return over the same route; From Waukegan, IL over IL Hwy. 42 to junction IL Hwy. 132, then over IL Hwy. 132 to junction I-94, then over I-94 to Milwaukee, and return over the same route. Serving the junction of I-94 and IL Hwy. 132 for purposes of joinder only. Between junction WI Hwy. 32 and WI Hwy. 100, and Milwaukee, WI, serving all intermediate points: From junction WI Hwy. 32 and WI Hwy. 100, over WI Hwy. 32 to Milwaukee, and return over the same route. Serving the commercial zones of all named and authorized intermediate points. Restriction: The service authorized to and from Milwaukee and intermediate points in WI is restricted to traffic moving to and from points on said carrier's authorized routes other than points in the Chicago, IL Commercial Zone as defined by the Commission. Supporting shipper(s): 91 supporting shippers. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61977 (Sub-17TA), filed April 27, 1979. Applicant: ZERKLE TRUCKING COMPANY, 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, *Such commodities as are dealt in by wholesale, retail, grocery and drug stores and/or warehouses,* and *materials, equipment* and *supplies* on return (except commodities in bulk), between Cincinnati, OH, on the one hand, and on the other, points in VA, PA and WV, for 180 days. Supporting shipper(s): The Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: J. A. Niggemyer, DS, 416 Old P. O. Bldg., Wheeling, WV 26003.

MC 63417 (Sub-206TA), filed May 2, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, same address as above. *Glass pressware,* from Somerset, KY to Rochester, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric Company, Noble Road, Nela Park, Cleveland, OH 44112. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 63417 (Sub-207TA) filed April 26, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, same address as above. *Plumbers goods, vanities, vanity cabinets,* from Ford City, PA and Salem, OH to points in AL, GA, NC, SC, TN and VA, for 180 days. Supporting shipper(s): Eljer Plumbingware, Div. Wallace Murray Corp., #3 Gateway Center, Pittsburgh, PA 15222. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North Eighth Street, Richmond, VA 23240.

MC 63417 (Sub-208TA), filed May 4, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, same address as applicant. (1) *Glass bulbs and packaging materials* (2) *Glass pressware;* (1) between Lexington, KY and St. Marys, PA; (2) from Somerset, KY to Hendersonville, NC for 180 days.

Supporting shipper(s): General Electric Company, Cleveland, OH 44112. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 64806 (Sub-12TA), filed April 23, 1979. Applicant: R. P. THOMAS TRUCKING COMPANY, INCORPORATED, 807 W. Fayette Street, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *New furniture* from points in Henry county, VA to points in FL; IL; IN; KY; NY; OH; and TN; and (2) *Returned shipments of new furniture* from points in the destination states in (1) above to points in Henry county, VA, and; (3) *Materials and supplies used or useful in the manufacture of new furniture* from points in IN; MD; MI; OH; PA; and TN to points in Henry county, VA for 180 days. Supporting shipper(s): Hooker Furniture Corp., E. Church Street, Martinsville, VA 24112, Virginja Mirror Company, 305 Moss Street, Martinsville, VA 24112. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 N. 8th St., Richmond, VA 23240.

MC 65697 (Sub-56TA), filed April 16, 1979. Applicant: THEATRES SERVICE COMPANY, 830 Willoughby Way, N.E., Atlanta, GA 30312. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *General commodities (except classes A and B explosives) moving in express service* (1) between Vicksburg, MS and Macon, GA; over US Hwy 80; (2) between Vicksburg, MS and Toomsuba, MS over Interstate Hwy 20; (3) between the AL-MS State line, near Cuba, AL and Bristol, TN (a) from the AL-MS State line, near Cuba, AL thence over US Hwy 11 to Knoxville, TN then over US Hwy 11-E to Bristol, TN and (b) from the AL-MS State line near Cuba, AL over Interstate Hwy 59 to Chattanooga, TN, then over Interstate Hwy 75 to Knoxville, then over Interstate Hwy 81 to Bristol, TN (4) between Knoxville and Bristol, TN, over US Hwy 11-W (5) between Montgomery, AL and Opp, AL, over US Hwy 331 (6) between Dothan, AL and Westmoreland, TN, over US Hwy 231 (7) between Andalusia, AL and Hartwell, GA, over US Hwy 29 (8) between Tuskege, AL and Atlanta, GA (9) between Andalusia, AL and Thomasville, GA, over US Hwy 84 (10) between Opp, AL and Albany, GA, from Opp over AL Hwy 52 to the AL-GA State line, then over GA Hwy 62 to junction GA Hwy 91, then over GA Hwy 91 to Albany (11) between Dothan, AL and Nashville, TN and Nashville, TN, over US Hwy 431 (12) between Greenville, AL and Wetmoreland, TN, from Greenville over US Hwy 31 to Nashville, then over US Hwy 31-E to Westmoreland (13) between Greenville, AL and Nashville, TN, over Interstate Hwy 65 (14) between Pulaski, TN and Nashville, TN, over US Hwy 31-A (15) between Reform, AL and Sylvester, GA, over US Hwy 82 (16) between Birmingham, AL and Americus, GA, over US Hwy 280 (17) between Sylacauga, AL and Piedmont, AL, from Sylacauga over US Hwy Alternate 231 to Talledega, AL, then over AL Hwy 21 to Piedmont (18) between Hamilton, AL and Athens, GA, over US Hwy 78 (19) between Birmingham, AL and Atlanta, GA, over Interstate Hwy 20 (20) between Florence, AL and Aliceville, AL, from Florence over US Hwy 43 to Hamilton, AL then over AL Hwy 17 to Aliceville (21) between Red Bay, AL and Decatur, AL, over AL Hwy 24 (22) between Florence, AL and Kimball, TN, from Florence over US Hwy 72 to junction US Hwy 41 near Kimball, TN (23) between Huntsville, AL and Tuscumbia, AL, over US Hwy Alternate 72 (24) between Springfield, TN and Macon, GA, over US Hwy 41 (25) between Nashville, TN and Macon, GA, from Nashville over Interstate Hwy 24 to Chattanooga, TN, then over Interstate Hwy 75 to Macon (26) between Nashville, TN and Newport, TN, from Nashville over Interstate Hwy 40 (US Hwy 70 and 70-N) to Newport, TN (27) between Leanon, TN and Crab Orchard, TN, over US Hwy 70 (28) between Lebanon, TN and Monterey, TN, over US Hwy 70-N (29) between Westmoreland, TN and Livingston, TN, over TN Hwy 52 (30) between Murfreesboro, TN and Livingston, TN, from Murfreesboro over US Hwy 70-S to junction TN Hwy 42, then over TN Hwy 42 to Livingston (31) between Chestnut Mount, TN and Celina, TN, over TN Hwy 53 (32) between Nashville, TN and Monteagle, TN, over US Hwy 41-A (33) between Fayetteville, TN and McMinnville, TN, from Fayetteville over TN Hwy 50 to junction TN Hwy 55, then over TN Hwy 55 to McMinnville, TN (34) between Oneida, TN and Bainbridge, GA, over US Hwy 2 (35) between Carrollton, GA and Columbus, GA, over US Hwy Alternate 27 (36) between Newport, TN and the TN-KY State line, over US Hwy 25-W (37) betweeen Elizabethton, TN and Leeds, AL, from Elizabethton over US Hwy 321 to Johnson City, then over US Hwy 411 to Leeds (38) between Thomasville, GA and Murphy, NC, over US Hwy 19 (39) between Morgan, GA and Manchester, GA, over GA Hwy 41 (40) between Mountrie, GA and Brundidge, AL, from Moultrie over GA Hwy 37 to the GA-AL State line, then over AL Hwy 10 to Brundidge (41) between Thomasville, GA and Sylvester, GA, from Thomasville over US Hwy 319 to Moultrie, then over GA Hwy 33 to Sylvester (42) between Manchester, GA and Atlanta, GA, over GA Hwy 85 (43) between McCaysville, GA and the juntion of GA Hwy 5 and US Hwy 41 near Marietta, GA, over GA Hwy 5 (44) between Dalton, GA and Clayton, GA, over US Hwy 76 (45) between Murphy, NC and Hayesville, NC, over US Hwy 64 (46) between Madison, GA and Clayton, GA, over US Hwy 441 (47) between Atlanta, GA and the GA-SC State line, from Atlanta over US Hwy 23 to Cornelia, GA then over US Hwy 123 to the GA-SC State line (48) between Covington, GA and Commerce, GA, from Covington over US Hwy 278 to junction GA Hwy 11, then over GA Hwy 11 to Jefferson, GA, then over GA Hwy 15 to Commerce (49) between Athens, GA and the GA-SC State line, over GA Hwy 72 (50) between Knoxville, TN and Murphy, NC, over US Hwy 128 (51) between Athens, GA and the junction of GA Hwy 75 and US Hwy 76 near Hiawassee, GA, from Athens over US Hwy 129 to Cleveland, GA, then over GA Hwy 75 to junction US Hwy 76 (52) between Gallatin, TN, and Lafayette, TN, from Gallatin over TN Hwy 25 to junction TN Hwy 10, then over TN Hwy 10 to Lafayette (53) between Nashville, TN and Bowling Green, KY, from Nashville over US Hwy Alternate 41 to Clarksville, TN, then over US Hwy 79 to Russellville, KY, then over US Hwy 68 to Bowling Green, KY (54) between Bowling Green, KY and Goodlettsville, TN, over US Hwy 31-W (55) between Demopolis, AL and junction US Hwy 43 and AL Hwy 13 near Spruce Pine, AL, over US Hwy 43 (56) between Luverne, AL and Greenville, AL, over AL Hwy 10 (57) between Knoxville, TN and Wartburg, TN, over TN Hwy 62 (58) between Etowah, TN and Dayton, TN, over TN Hwy 30 (59) between Harpersville, AL and Centreville, AL, over AL Hwy 25 (60) between Kingsport, TN and Erwin, TN, over US Hwy 23 (61) between Helen, GA and Elberton, GA over GA Hwy 17 (62) between Heflin, AL and Atlanta, GA, from Heflin over AL Hwy 46 to Junction GA Hwy 166, then over GA Hwy 166 to Atlanta (63) between junction US Hwy 31 and AL Hwy 22 near Verbena, AL and Peachtree City, GA, from junction US Hwy 31 and AL Hwy 22 over AL Hwy 22 to junction GA Hwy 34, then over GA Hwy 34 to Peachtree City (64) between Hamilton, AL and Augusta, GA, over US Hwy 278 and (65) between Atlanta, GA and

Augusta, GA, over Interstate Hwy 20 and return over all the foregoing routes, as pertinent, serving all intermediate points in (3) through (65) above, inclusive, and in (1) and (2) above, serving the intermediate points of Jackson and Meridian, MS and all intermediate points in AL and GA, restricted in (1) and (2) above against performing local service between Nashville, TN, on the one hand, and points in MS, on the other, and restricted in (64) above when moving between Union Point and Augusta, GA, against the transportation of shipments having a prior or subsequent movement by air and against motion picture film and supplies when moving to or from places of exhibition, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 52 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. N.W., Rm. 300, Atlanta, GA 30309.

MC 69116 (Sub-235TA), filed April 24, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. *(1) Metal roofing and siding and fabricated metal products and (2) materials, equipment and supplies used in the manufacture of metal roofing and fabricated metal products,* between the facilities of Fabral, Alcan Building Products Division, Alcan Aluminum Corporation at or near Lancaster, PA; Jackson, GA; Gridley, IL; and Idabel, OK, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fabral, Alcan Building Products, Division of Alcan Aluminum Corporation, P.O. Box 6977, Cleveland, OH 44101. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 69116 (Sub-234TA), filed April 24, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel H. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Plasterboard joint system, plasterboard joint or topping cement or compound, and materials, equipment and supplies used in the manufacture, distribution and installation of plasterboard joint system, plasterboard joint or topping cement or compound,* from Milford, VA to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corporation, 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 69397 (Sub-57TA), filed April 26, 1979. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative Wilmer B. Hill, Suite 805, McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. *Building or insulating material, and accessories and supplies used in the installation thereof (except commodities in bulk),* between the facilities of Masonite Corp., at or near Towanda, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, RI, SC, VT, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corporation, P.O. Box 311, Towanda, PA 18848. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadephia., PA 19106.

MC 70477 (Sub-4TA), filed March 30, 1979. Applicant: M. J. SEIWERT CARTAGE CO., 2029 W. Hubbard St., Chicago, IL 60612. Representative: Themis Anastos, 120 W. Madison St., Chicago, IL 60602. *General commodities, requiring protective service (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities requiring special equipment),* from points in the Chicago, IL commercial zone to points in the Detroit, MI commercial zone, for 180 days. Supporting shipper(s): Allied Shippers & Receivers, 2029 W. Hubbard St., Chicago, IL 60612. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 70557 (Sub-8TA), filed May 9, 1979. Applicant: NIELSON BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60604. *Canned and preserved foodstuffs,* from the facilities of Heinz USA Div. of H.J. Heinz Co. at or near Greenville, SC, to points in AL, MS, TN, New Orleans, LA and points in Florida on and west of Florida 79 for a period of 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Heinz USA, Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St. Room 1386, Chicago IL 60604.

MC 70557 (Sub-9TA), filed May 8, 1979. Applicant: NIELSON BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 LaSalle St., Chicago, IL 60604. *Paper and paper products, casual furniture, wood pulp, electric lighting fixtures, and equipment, materials, and supplies used in connection with paper and paper products, casual furniture, wood pulp and electric lighting fixtures,* between the facilities of Scott Paper Company located in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX on the one hand, and on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX for a period of 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 71296 (Sub-4TA), filed May 11, 1979. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Ave., Ft. Atkinson, WI 53538. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. Common carrier; Regular routes; *General commodities,* except those of unusual value, Classes A & B exploives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Edgerton, WI and Milton, WI: From Edgerton, WI over W.S. Hwy. 59 to Milton, WI and return over the same route, serving all intermediate points; (2) Between Milton, WI and Ft. Atkinson, WI: From Milton, WI over W.S. Hwy. 26 to Ft. Atkinson, WI and return over the same route, serving all intermediate points, for 180 days. Applicant requests permission to tack and interline this authority. An underlying ETA seeks 90 days authority. Supporting shipper(s): O. C. Electronics, Inc., Rt. 2, Milton, WI 53563 and The Burdick Corp., Milton, WI 53563 and Tomah Products, 1012 Terra Dr., Milton, WI 53563. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 102567 (Sub-229TA), filed April 27, 1979. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 N.W. Fwy., Suite 130, Houston, TX 77040. *Petroleum products, in bulk, in*

tank vehicles, from points in Sebastian County, AR to points in Le Flore, Haskell, McIntosh, McCurtain, Sequoyah, Muscogee, Latimer, Adair, and Pushmataha Counties, OK, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Arkhola Sand & Gravel Co., P.O. Box 1627, Fort Smith, AR 72902. Champlin Petroleum Company, P.O. Box 552, Enid, OK 73701. Stites Oil Co., P.O. Box 506, Sallisaw, OK 74955. Tony's Gas & Chemical Houst, Inc., Box 1245, McAlester, OK 74501. Maddow Oil Company, Box 236, Clayton, OK 74536. Poteau Petroleum Products, Inc., P.O. Box 590, Poteau, OK 74953. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102616 (Sub-996TA), filed April 30, 1979. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., P.O. Box 5555, Akron, OH 44313. Representative: David McAllister (same address as applicant). *Chemicals and acids,* in bulk, in tank vehicles, from the facilities of Mobay Chemical Corporation at or near Baytown, TX, to points in CT, GA, IL, MA, MI, MO, NH, NJ, OH and WV. Supporting shipper(s): Mobay Chemical Corp., Penn Lincoln Parkway West, Pittsburgh, PA 15205. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 105007 (Sub-56TA), filed April 30, 1979. Applicant: MATSON TRUCK LINE, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. *Paper* from Madisonville, KY to Cresco, IA, for 180 days. Supporting shipper(s): Southern Specialty, P.O. Box 606, Madisonville, KY 42431. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 105566 (Sub-190TA), filed May 11, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, 6901 Old Keene Mill Rd., Springfield, VA 22150. *Laminated plastic sheets, tubes and rods* from Coshocton, OH to all points in AZ, CA, CO, ID, MT, NE, NM, OR, TX, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Electric, 3350 S. 2nd St., Coshocton, OH 43812. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 107496 (Sub-1213TA), filed May 10, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same as applicant). *Bentonite clay, in bulk, in tank vehicles,* from Belle Fourche, SD and Upton, WY to IL, IN, MI, MN, NY, PA, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Colloid Company, P.O. Box 228, Skokie, IL 60077. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1214TA), filed May 3, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check (same as applicant). *Petroleum resins, in bulk, in tank vehicles* from Burlington, IA to Memphis, TN for 180 days. Supporting shipper(s): Freeman Chemical Corporation, P.O. Box 247, Port Washington, WI 53074. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 108207 (Sub-507TA), filed April 10, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, (address same as above). *(a) Such commodities as are dealt in by wholesale, retail, chain grocery, and food business houses (except in bulk); and (b) meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certifications, 61 M.C.C. 209 and 766,* From Byhalia, MS, to points in AZ, AR, CA, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, OH, OK, TN, TX, and WI for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Gem, Incorporated, One Gem Boulevard, Byhalia, MS 38611. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12 Dallas, TX 75242.

MC 108247 (Sub-5TA), filed May 7, 1979. Applicant: WESTCHESTER MOTOR LINES, INC., Furniture Division, 35 Edgemere Road, New Haven, Connecticut 06512. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. *New furniture, cabinets, and accessories thereto,* between Milford, CT on the one hand, and, on the other, points in ME and NH, for 180 days. Supporting shipper(s): Steelcase, Inc., P.O. Box 1967, Grand Rapids, MI 49501. All Steel Equipment Co., P.O. Box 871, Aurora, IL. Chatham County Furniture, A Division of U.S. Furniture Industries, P.O. Box 2127, High Point, NC. G. F. Business Equipment, Inc., Youngstown, OH. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 109126 (Sub-14TA), filed May 2, 1979. Applicant: LA SALLE TRUCKING COMPANY, 690 Anita Street, Chula Vista, CA 92011. Representative: Fred H. Mackensen, c/o Murchison & Davis, 9454 Wilshire Blud., Suite 400, Beverly Hills, CA 90212. *Beer,* from the United States-Mexico Border Crossing point at Tecate, CA to the warehouse of Wisdom Import Sales Company, Inc., at or near S. San Francisco, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Wisdom Import Sales Company, Inc., 17401 Eastman Avenue, Irvine, CA 92714. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 109847 (Sub-30TA), filed April 19, 1979. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee Street, Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., Esq., 110 South Columbus Street, Alexandria, VA 22314. Common carrier-regular routes. *General Commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* as folllows: (1) Between Marietta, OH and Washington DC serving all intermediate points in the states of WV and the junction point of Interstate Hwy 81 and U.S. Hwy 50 at Winchester, VA for the purposes of joinder only: From Marietta, OH over Interstate Hwy 77 to its junction with U.S. Hwy 50 at Parkersburg, WV, thence over the U.S. Hwy 50 to Washington, DC and return over the same route. (2) Between the junction point of Interstate Hwy 81 and U.S. Hwy 50 at Winchester, VA and Baltimore, MD: From the junction point of Interstate Hwy 81 and U.S. Hwy 50 at Winchester, VA over Virginia Hwy 7 to its junction with U.S. Hwy. 340, thence over U.S. Hwy 340 to its junction with U.S. Hwy 15, thence over U.S. Hwy 15 to its junction with Interstate Hwy 70N at Frederick, MD, thence over Interstate Hwy 70N to Baltimore, MD and return over the same route. (3) Between Pittsburgh, PA and Philadephia, PA serving the junction point of Interstate Hwys 76 and 70 at Breezewood, PA and the junction point of Interstate Hwys 76 and 81 for purposes of joinder only: From Pittsburgh, PA over U.S. Hwy 22 to its junction with Interstate Hwy 76, thence over Interstate Hwy 76 to Philadephia, PA and return over the same route. (4) Between junction point

of Interstate Hwys 76 and 70 at Breezewood, PA and Baltimore, MD: From the junction point of Interstate Hwys 76 and 70 at Breezewood, PA over Interstate Hwy 70 to Frederick, MD, thence over Interstate Hwy 70N to Baltimore, MD and return over the same route. (5) Between junction point of Interstate Hwys 76 and 70 at Breezewood, PA and Washington, DC: From the junction point of Interstate Hwys 76 and 70 at Breezewood, PA, over Interstate Hwy 70 to Frederick, MD, thence over Interstate Hwy 70S to its junction with Interstate Hwy 495, thence over Interstate Hwy 495 to its junction with U.S. Hwy 1, thence over U.S. Hwy 1 to Washington, DC and return over the same route. (6) Between the junction point of U.S. Hwy 50 and Interstate Hwy 81 at Winchester, VA and Newark, NJ serving the intermediate points of Allentown, PA; Bethlehem, PA, and Easton, PA, and the junction point of Interstate Hwys 81 and 76 at Harrisburg, PA for the purpose of joinder only: From the junction point of U.S. Hwy 50 and Interstate Hwy 81 at Winchester, VA over Interstate Hwy 81 to its junction with Interstate Hwy 78 at or near Hamlin, PA, thence over Interstate Hwy 78 to Elizabeth, NJ, and thence over U.S. Hwy 22 to Newark, NJ and return over the same route. (7) Between Pittsburgh, PA and Cleveland, OH from Pittsburgh over U.S. Hwy 22/30 to junction Pennsylvania Hwy 60, then over Pennsylvania Hwy 60 to junction Pennsylvania Hwy 51, then over Pennsylvania Hwy 51 to junction Ohio Hwy 14, then over Ohio Hwy 14 to junction Interstate Hwy 480, then over Interstate Hwy 480 to Cleveland, and return over the same route, serving all intermediate points. (8) Between Cleveland, OH and New York City, NY, over Interstate Hwy 80 as an alternate route for operating convenience only. (9) Between Pittsburgh, PA and New York City: From Pittsburgh, PA over Interstate Hwy 79 to the junction of Interstate Hwy 79 and Interstate Hwy 80, thence over Interstate Hwy 80 to New York, NY, and return over the same route. Applicant requests 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers: There are 26 statements in support attached to this application which may be examined in the field office listed below and Headquarters. Send protests to: Richard H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 W. Huron Street, Buffalo, NY 14202.

Note.—Applicant seeks to serve the commercial zones of all named points to include the commercial zones of all named intermediate and off-route points.

MC 109397 (Sub-461TA), filed April 23, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). *Clay*, from Thomas County, GA to points in the United States, except AK and HI, for 180 days. SUPPORTING SHIPPER: Waverly Mineral Products Co., 3018 Market St. Philadelphia, PA 19104. SEND PROTESTS TO: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. Supporting Shipper(s): Waverly Mineral Products Co., 3018 Market St., Philadelphia, PA 19104. Send protests to: John V. Barry, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 113106 (Sub-73TA), filed May 11, 1979. Applicant: THE BLUE DIAMOND COMPANY 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 1030—15th St., N.W., Washington, DC 20005. *Paper and paper products* from Union Camp Corporation plant sites at or near Richmond, VA to points in DE, MD, NJ, NY, OH, PA, WV and DC, for 90 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Roger L. Schoening, Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protest to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 114457 (Sub-503TA), filed April 11, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Containers and container closures* from Denver and Golden, CO to points in NE, IA, MN, MO, WI, IL, IN, MI, OH, TN and KY, for 180 days. Supporting Shipper(s): The Continental Group, Inc., Area Manager-Traffic & Distribution, 5401 West 65th Street, Chicago, IL 60638. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-505TA), filed May 2, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Plastic containers* from Green Bay, WI to Oklahoma City, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Midway Can Company, 2341 Hampden Avenue, St. Paul, MN 55114. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-506TA), filed May 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Aluminum ingots and zinc alloy ingots* from the facilities of Aluminum Smelting and Refining Company, Inc., and/or Certified Alloys Company located at Maple Heights, OH, Clinton, IA, Minneapolis, MN and Waukesha, WI to points in IL, for 180 days. An Underlying ETA seeks 90 days authority. Supporting Shipper(s): Aluminum Smelting & Refining Co., 5463 Dunham Road, Maple Heights, OH 44137. Send protests to: Delores A. Poe, TA, ICC 414 Federal Building 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-507TA), filed May 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *(1) Fibreboard boxes, other than corrugated, KDF, from Stone Mountain, GA to Mehoopany, PA, ringgold, VA, and the facilities of Proctor & Gamble at or near Neely's Landing, MO; and (2) Pulpboard boxes, not corrugated, from Chattanooga, TN to Cincinnati, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Container Corporation of America, 5853 East Ponce De Leon Avenue, P.O. Box 1225, Stone Mountain, GA 30086. Send protests to: Delores A. Poe, TA, ICC 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.*

MC 114457 (Sub-508TA), filed May 3, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Paper, paper products, cellulose and textile softeners and related articles* from the facilities of The Proctor & Gamble Company located at or near Neely's Landing, MO and Green Bay, WI to points in the U.S. in and east of ND, SD, NE, KS, OK and TX (except FL, SC, VA, WV, DC, DE, CT, RI, NH, VT and ME), for 180 days. An Underlying ETA seeks 90 days authority. Supporting Shipper(s): The Proctor and Gamble Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Delores A. Poe, TA, ICC 414 Federal Building 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-509TA), filed May 8, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Container closures* from the facilities of Continental Group, Inc., at or near Perry, GA and Atlanta, GA to St. Louis, MO, Quincy, IL, Columbus and Worthington, OH, Indianapolis, IN, St. Joseph, Benton

Harbor, Shoreham and Holland, MI, for 180 days. An Underlying ETA seeks 90 days authority. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. Send protests to: Delores A. Poe, TA, ICC 414 Federal Building 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-510TA), filed May 7, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). *Dental, hospital, hygienic, medical or surgical supplies and other related articles* from Argonne, IL to points in MN, for 180 days. Supporting shipper(s): Johnson & Johnson Products, Inc., 4949 West 65th Street, Chicago, IL 60638. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 115826 (Sub-458TA), filed April 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sec. A & C of Appendix I to report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from facilities of Morgan Colorado Beef at Fort Morgan, CO, to facilities of Iowa Beef Processors, Inc., at Dakota City, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-459TA), filed April 11, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Frozen Foods,* from Plover, WI to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-460TA), filed April 9, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meat,* from Oakland, San Leandro and San Francisco, CA to points in TX and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lemoine Phillips Land & Cattle, 1618 Doolittle, San Leandro, CA 94577. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-464TA), filed May 3, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Agricultural insecticides, weed killing compounds and pest control products,* from Alton, IA to points in CA, CO, NE, KS, OK, PA, VA, TX, OH, MN, MO, ND, SD, IL, AR and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Silex Corporation, Alton, IA 51003. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-465TA), filed May 3, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Suitcases, travel bags, briefcases and carrying cases,* from Denver, CO and its commercial zone to points east of the Mississippi River, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Samsonite Corporation, 11200 East 45th Avenue, Denver, CO 80239. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 116077 (Sub-413TA). Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Representative: J. C. Browder, 4550 One Post Oak Place/Suite 300, Houston, TX 77027. Common carrier over irregular routes. *Limestone, clay, boric acid, sodium sulphate, silica flour, in bulk, in tank vehicles* from Boron Trona and San Francisco, CA; Pacific and Mosher, MO; to Sandersville, Augusta, Macon and Hephzibah, GA and to Langely and Columbia, SC; Mill Creek, OK and Crab Orchard, TN and Berkeley Springs, WV seeking 180 days authority. Supporting shipper(s) Certain-teed Corporation, P.O. Box CT, Wichita Falls, TX 76307. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 116967 (Sub-24TA), filed April 9, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. *Contract carrier:* irregular routes: *Face and common building brick,* between Chicago, IL and points in OH, WI, MO, MI, IA, and IN, for the account of W. E. Olsen Co., for 180 days. Supporting shipper(s): W. E. Olsen Co., 538 Busse Highway, Park Ridge, IL 60068. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 116967 (Sub-25TA), filed April 9, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. *Contract carrier;* irregular routes: *Face and common building brick,* between Chicago, IL and points in OH, MI, MO, WI, IA, and IN, for the account of American Brick Company, for 180 days. Supporting shipper(s): American Brick Company, 6558 W. Fullerton, Chicago, IL. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 117686 (Sub-265TA), filed May 2, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as above). *Chain saws, snow-throwers and garden, lawn, turf and golf course care equipment,* from the facilities of The Toro Company at or near Minneapolis, MN and its commercial zone to points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, for 180 days. Restrict underlying ETA seeks 90 days authority. Supporting shipper(s): The Toro Company, 8111 Lyndale Avenue, Minneapolis, MN 55420. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 117686 (Sub-266TA), filed April 18, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 So. Lewis Blvd., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). *Bananas and agricultural commodities exempt from regulation under Section 10526 of the Interstate Commerce Act when transported in mixed loads with bananas,* from the facilities of Del Monte Banana Co. at Port Hueneme, CA to points in IA, MN, ND, and SD for 180 days. Restricted to the transportation of traffic having a prior movement by water. An underlying ETA seeks 90 days authority. Supporting shipper(s): Del Monte Banana Company, 1201 Brickell Avenue, Miami, FL 33101. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 117686 (Sub-267TA), filed May 9, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 Squth Lewis Blvd., P.O. Box 417, Sioux City, IA 51102.

Representative: George L. Hirschbach (same address as applicant). *Canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Company at or near Iowa City and Muscatine, IA to points in MN, ND, and SD, for 180 days. Restricted to traffic originating at the above named facilities and destined to the above-named destination points. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 117786 (Sub-54TA), filed May 3, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Kitchen cabinets and cabinet hardware,* from Longview, WA to Phoenix, AZ and Albuquerque, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DAR Distributing Co., 2525 W. Cypress, Phoenix, AZ 85009. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 119557 (Sub-9TA), filed May 10, 1979. Applicant: KENNETH L. STURART, d.b.a. K & S TANKLINE, P.O. Drawer R, Copperhill, TN 37317. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. *Sulphur dioxide, in bulk, in tank vehicles,* from Copperhill, TN to points in KY, IL, IN, OH, TX, AR, MI, IA, KS, VA, LA (except Bastrop and Bogalusa), NC (except Canton and Sylvia) and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cities Service Company, 3445 Peachtree Road, NE., Atlanta, GA 30326. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121496 (Sub-21TA). Applicant: CANGO CORPORATION, 1100 Milam St., Houston, TX 77002. Representative: Tom E. Davis, 1100 Milam St., Houston, TX 77002. Common carrier over irregular routes. *Chemicals,* in bulk, in tank vehicles between Lake Charles, LA on the one hand, and, on the other, points in Texas seeks 180 days authority. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Oil Company, P.O. Box 2197, Houston, TX 77001. Send protests to: John F. Mensing, Interstate Commerce Commission, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 121496 (Sub-22TA). Applicant: CANGO CORPORATION, 1100 Milam St., Houston, TX 77002. Representative: Tom E. Davis, 1100 Milam St., Houston, TX 77002. Common carrier over irregular routes. *Liquid chemicals, in bulk, in tank vehicles,* from the plant site of Union Carbide Corporation near Taft, LA to all points in TX for 180 days authority. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Carbide Corporation, 270 Park Ave., New York, NY 10017. Send protests to: John F. Mensing, Interstate Commerce Commission, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 121496 (Sub-26TA). Applicant: CANGO CORPORATION, 1100 Milam St., Houston, TX 77002. Representative: Tom E. Davis, 1100 Milam St., Houston, TX. 77002. Common carrier over irregular routes. *NEUTRAL CALCIUM SULFONATE,* in bulk, in tank vehicles from Gretna, LA to Port Arthur, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco, Inc., 4800 Fournace Pl., Houston, TX 77401. Send protest to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 123387 (Sub-16TA), filed May 9, 1979. Applicant: E. E. Henry, 1128 South Military Highway, Chesapeake, Virginia 23320. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210 *Malt beverages, in containers, and related advertising material,* from Pabst, GA, to points in NC, SC, VA, MD, DE, DC, PA, NJ, and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Warner Paris, Traffic Manager, Pabst Brewing Company, P.O. Box 1013, Perry, GA 31069. Send protest to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 40 North 8th Street, Richmond, VA 23240.

MC 123387 (Sub-17TA), filed May 3, 1979. Applicant: E. E. HENRY, 1923 Sparrow Road, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Malt Beverages,* from Utica, NY to Macon, GA and empty containers on return, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Bill Laite Distributing Company, 1998 Waterville Road, Macon, GA 31206. Send protest to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 123407 (Sub-574TA), filed March 26, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 47304. Representative: H. E. Miller, Jr. (same address as applicant). *Lumber, Lumber Products, and wood products,* from points in IL, IN, IA, MI, MO, and OH to points in CO, MT, OR, UT, WA and WY. 180 days. Supporting shipper(s): Intermountain Orient, Inc., P.O. Box 4297, Boise, ID 83704. Send protest to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 123407 (Sub-577TA), filed April 27, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Roofing, roofing products, or roofing material, or material used in the installation or manufacture thereof,* between Brunswick, OH, on the one hand, and, on the other, points in PA, WV, KY, NY, IN, MI and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 123407 (Sub-578TA), filed April 30, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Glass and glass glazing units,* from Chicago, IL to points in NJ, NY, WI, NC, SC and MO, for 180 days. Supporting shipper(s): Therm-A-Shield, 15461 South LaSalle, South Holland, IL 60473. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 123407 (Sub-579TA), filed May 8, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Iron and steel articles,* from Schaumburg and Chicago, IL; Detroit, MI; Cleveland and Youngstown, OH; Pittsburgh, PA; Andrews, SC, to points in the United States in and east of ND, SD, NE, KS, OK and TX for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Parker Steel Company, 4239-41 Monroe St., Toledo, OH 43606. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 123407 (Sub-580TA), filed May 8, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Wallboard, fiberboard, pulpboard or strawboard with not more than two coats of paint, enamel or lacquer,* from the facilities of

Boise Cascade Corporation located at or near Cicero, IL, to points in the United States in and east of MI, IN, KY, TN, and MS for 180 days. An ETA has been granted for 30 days. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 2885, Portland, OR 97208. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 124306 (Sub-60TA), filed May 2, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman (same address as applicant). *Terephthalic acid, in bulk, in tank vehicles,* from Decatur, AL to Darlington, SC for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shipper(s): Fiber Industries, Inc., P.O. Box 32414, Charlotte, NC 28232. Send protests to: Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 124306 (Sub-61TA), filed May 10, 1979. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: W. David Fesperman (same address as applicant). *Spent ethylene glycol, in bulk, in tank vehicles,* from New Bern, NC to Wilmington, NC for 180 days. An underlying ETA has been filed seeking 90 days authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 124947 (Sub-130TA), filed April 13, 1979. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, UT 84105. Representative: John B. Anderson (same address as applicant). (1) Electrical storage batteries and parts thereof, battery fluid, battery boxes, battery covers and battery vents and (2) equipment, materials and supplies used in the production of (1) above, between points in the United States (except AK and HI), for 180 days. Restricted to traffic originating at or destined to the facilities of Gould, Inc., located at City of Industry, CA; Dallas, TX; Dunmore, PA; Leavenworth, LA; Zanesville, OH; Denver, CO; Atlanta, GA and Phoenix, AZ. An underlying ETA requests 90 days authority. Supporting shipper(s): Gould, Inc., P.O. Box 3140, St. Paul, MN 55165. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126736 (Sub-119TA), filed April 23, 1979. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same address as applicant). *Phosphate, phosphate products, and phosphate by-products, in bulk, in dump vehicles,* from Occidental, FL to Harrisonburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Chemical Corporation, P.O. Box 4289, Houston, TX. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 129096 (Sub-3TA), filed April 30, 1979. Applicant: STOVER BROS. TRUCKING CO., Box 790, Elburn, IL 60119. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Dry and liquid fertilizer,* from Madison, Whitewater, East Troy and Milwaukee, WI to Elburn, IL, for 180 days. Supporting shipper(s): Elburn Cooperative Company, Box U, Elburn, IL 60119. Send protests to: Annie Booker, TA, ICC, 1386 Dirksen Bldg., 219 So. Dearborn St., Chicago, IL 60604.

MC 133937 (Sub-33TA), filed April 9, 1979. Applicant: CAROLINA CARTAGE COMPANY, INC., 1638 East Vesta Ave, College Park, GA 30337. Representative: Henry P. Willimon, P.O. Box 1075, Greenville, SC 29602. *Such commodities as are dealt in by catalog and retail department stores, and materials, supplies, and equipment, including garments on hangers* between points and places in GA, AL, NC, SC, Chicago, IL, St. Louis, MO, Cincinnati and Columbus, OH, and Hudson County, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Venture Stores, Inc., 615 Northwest Plaza, St. Ann, MO 63074; Shillito's, 5121 Fishwick Drive, Cincinnati, OH 45216. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 134286 (Sub-108TA), filed April 23, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as above). *Ferrous sulphate, fertilizer and feed grade, other than USP grade, except commodities in bulk,* from the facilities utilized by the Cosmin Corporation located at or near Baltimore, MD, to points in CO, IA, IL, IN, KS, MI, MO, MN, NE, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cosmin Corporation, 1635 NE Loop 410, Suite 910, San Antonio, TX. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 134286 (Sub-109TA), filed April 17, 1979. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert, (same address as above). *Washing, cleaning, and scouring compounds; soap products; toilet preparations; mouthwash, food items such as nos. nonmedicated syrup, oleo, margarine, vegetable oil, compound aerated cream,* from the facilities of Lever Brothers Company located at St. Louis, MO, to points in NE, IA, and Kansas City, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lever Brothers Company, 1400 North Pennsylvania, St. Louis, MO 63133. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 134387 (Sub-66TA), filed May 2, 1979. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Plastic containers,,* from Tacoma, WA to Fort Worth, TX and Salinas, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Agri-tainer Corporation, P.O. Box 2004, Wenatchee, WA 98801. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 134676 (Sub-7TA), filed May 1, 1979. Applicant: H. H. MOORE, JR., P.O. Box 477, Appomattox, VA 24533. Representative: Richard J. Lee, Suite 1222, 700 E. Main Street, Richmond, VA 23219. (1) *Iron and steel products,* from OH, PA, WV, and MD to the plantsite of N. B. Handy, Co., at or near Lynchburg, VA (2) *Ground level steel reservoirs, materials, supplies, and equipment* used in the manufacturing thereof, between the plantsite of Flippo's and Company, at or near Powhatan, VA, on the one hand, and on the other, points in the U.S. (except points in GA; NC; PA; NJ; TN; OH; NY; MD; DE; IN; and SC, for 180 days. Supporting shipper(s): N. B. Handy Co., P.O. Box 3305, Richmond, VA 23235. Send protests to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 N. 8th St., Richmond, VA 23240.

MC 135326 (Sub-18TA), filed May 4, 1979. Applicant: SOUTHERN GULF TRANSPORT, INC., P.O. Box 7959, Shreveport, LA 71107. Representative J. D. Haynes (same address as applicant). *Post, poles and pilings,* from the plantsite of International Paper Company at or near DeRidder, LA to points in AR, OK, and TX, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): International Paper Company, P.O. Box 160707, Mobile, LA 36616. Send protests to: Robert J. Kirspel, DS, ICC, T-9038

Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135797 (Sub-213TA), filed April 20, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, (same as applicant.) *Bentonite clay, lignite coal and foundation water impedance boards,* (1) From Butte County, SD to points in CA and King County, WA, and (2) From Big Horn County, WY and Bowman County, ND to points in CA, LA, OK and TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): American Colloid Company, 5100 Suffield Court, Skokie, IL 60076. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136247 (Sub-18TA), filed April 25, 1979. Applicant: WRIGHT TRUCKING, INC., 409 17th Street S.W., P.O. Box 346, Jamestown, ND 58401. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Non-alcoholic beverages* (except in bulk, in tank vehicles), from the facilities of Coca-Cola Bottling Co., Jamestown, ND to LaCrosse, WI and St. Cloud, MN, restricted to traffic originating at and destined to the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coca-Cola Bottling Co., 1016 10th Street S.E., Jamestown, ND 58401. Send protests to: DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 138126 (Sub-37TA), filed April 25, 1979. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 1030 15th St., N.W., Washington, DC 20005. (1) *Petroleum and petroleum products, vehicle body sealers and deadener compounds (except commodities in bulk) and* (2) *related advertising materials, empty cartons and containers,* when moving in mixed shipments with the commodities in (1) above, from the facilities of Pennzoil Company in Oil City and Rouseville, PA to points in DE, MD and VA, restricted against the transportation of petroleum products, in containers, in foreign commerce to Baltimore, MD. Supporting shipper(s): John A. Wagner, Jr., TM, Pennzoil Company, P.O. Box 808, Oil City, PA 16301. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 138157 (Sub-145TA), filed May 9, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC. d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, same address as applicant. *Wheels and parts thereof,* from the facilities of United Industries at Huntington Beach, CA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): United Industries, 15281 Graham St., Huntington Beach, CA 92649. Send protests to: Glenda Kuss, T/A ICC, Suite A–422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138627 (Sub-64TA), filed April 13, 1979. Applicant: SMITHWAY MOTOR EXPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Iron and steel articles* from the facilities of Armco, Inc. at Ashland, KY and Middletown, OH to AR, IA, KS, MN, MO, NE, OK, and TX for 180 days. (Restricted to traffic originating at the above named facilities). An underlying ETA seeks 90 days authority. Supporting shipper(s): ARMCO, Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138627 (Sub-65TA), filed May 10, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O, Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. (1) *Material handling and material storage equipment* from Stevens Points and New London, WI to points in IA, IL, IN, OH, and MI, and (2) *Materials and supplies used in the production and manufacture of (1) above,* from IL, IN, and MI to Stevens Points and New London, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Steel King Industries, Inc., 2700 Chember St., Stevens Point, WI 54481. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building , Des Moines, IA 50309.

MC 138627 (Sub-66TA), filed May 10, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Precast concrete products and accessories* from Oshkosh, WI to points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Duwe Precast Concrete Products, Inc., P.O. Box 2068, Oshkosh, WI 54903. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138956 (Sub-13TA), filed April 10, 1979. Applicant: ERGON TRUCKING, INC., 202 E. Pearl St., Jackson, MS 39201. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Petroleum crude oil and petroleum crude oil condensates,* in bulk, in tank vehicles, from points in Louisiana to facilites of Ergon Refining, Inc. at or near Vicksburg, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ergon Refining Co., P.O. Drawer 639, Jackson, MS 39205. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 139577 (Sub-41TA), filed May 1, 1979. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Containers, container ends, and closures* from the facilities of RJR Foods Inc. at Plymouth, IN to Ortonville, MN. Authority sought for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. Send protests to: John E. Ryden, DS, ICC, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 139767 (Sub-4TA), filed May 7, 1979. Applicant: FAIRWAY TRANSIT, INC., N 10 W 24730 Hwy. TJ, Pewaukee, WI 53072. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. (1) *Commodities used in the installation of chain link or wire woven fences* (2) *Materials, equipment and supplies used in the installation of highway signs, guard rails, and other highway safety devices;* and (3) *Materials, equipment and supplies used in connection with the striping of public highways,* between the facilities of Century Fence Company located at or near Waukesha, WI on the one hand, and on the other hand, points in IL, IA, NE & MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Century Fence Co., P.O. Box 466, Waukesha, WI 53186. Send protests to: Gail Daugherty, IA, ICC, 517 E. Wisconsin ave., Rm. 619, Milwaukee, WI 53202.

MC 139906 (Sub-50TA), filed April 17, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Wearing apparel* (1) from the facilities of K-Mart Apparel Corp. at North Bergen, NJ to Carson CA, Alsip, IL, Forest Park, GA, Detroit, MI, and Grand Rapids, MI; and (2) from the facilities of K-Mart Apparel Corp. at Carson, DA to Alsip, IL and Forest Park,

GA, for 180 days. An underlying ETA requests 90 days authority. Supporting Shipper(s): K-Mart Apparel Corp, 7373 West Side Avenue, North Bergen, MJ 07047. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 140826 (Sub-3TA), filed April 9, 1979. Applicant: STEVE LARSSON HOMER d.b.a. MAR-AIR BUS CO., P.O. Box 422, Haines, AK 99827. Representative: L. B. Jacobson, P.O. Box 1211, Juneau, AK 99802. *Passengers* and their baggage in the same vehicle, between skagway, AK and the Port of Entry on the U.S. - Canada boundary line near mile 14.5 on the Skagway, AK - Carcross Highway, serving all intermediate points during such period said road shall be open to traffic. Applicant intends to tack authority applied for with that held under MC-140826 (Sub No. 1). An underlying ETA seeks 90 days. authority. Supporting Shipper(s): NORA E. WARNER, WHITE HOUSE APTS., P.O. Box 422, Skagway, AK 99840. GARY MORAN, NORTHERN LIGHT CAFE, Box 273, Skagway, AK 99840. Send protest to: Hugh H. Chaffee, D/S, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 140986 (Sub-10TA), filed May 7, 1979. Applicant: GREAT NORTHERN TRUCK LINES, INC., Bank Street, Netcong, NJ 07. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract irregular. Insulating materials, and materials and supplies used in connection therewith, except in bulk, from Cloquet, MN; Greenville, MS; Plainfield, IL; and Gypsum and Newark, OH to Brooklyn, NY for 180 days, under a continuing contract or contracts with Kamco Supply Corp. Supporting Shipper(s): Kamco Supply Corp., 1465–38th St., Brooklyn, Ny 11218. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Newark, NJ 07102.

MC 141076 (Sub-24TA), filed May 7, 1979. Applicant: ROGERS MOTOR LINES, INC., RD #2, P.O. Box 388, D2, Hackettstown, NJ 07848. Representative: Eugene M. Malkin, Suite 6193—5 World Trade Center, New York, NY 10048. (1) Foodstuffs (except in bulk), from the facilities of American Home Foods Division of American Home products Corp., at or near Milton, PA to points in CT, NJ, and NY, and (2) *materials, equipment, and supplies,* (except in bulk) used in the manufacture, packaging and distribution of the commodities in (1) above, in the reverse direction for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Home Foods Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Newark, NJ.

MC 141197 (Sub-35TA), filed May 1, 1979. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Coke,* in dump type vehicles, from Kansas City, MO to West Des Moines, IA, for 180 days. Supporting shipper: Maryland Coal and Coke Co., 21 Station Rd., Haverford, PA 19041. Send protests to: V. V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. An underlying ETA seeks 90 days authority. Supporting shipper(s): Maryland Coal and Coke Co., 21 Station Rd., Haverford, PA 19041. Send protests to: V. V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 142477R (Sub-1TA), filed May 8, 1979. Applicant: EARL PIPPIN, d.b.a. EARL PIPPIN TRANSPORTER, 211 Kornegay Street, Goldsboro, NC 27530. Representative: Terrell C. Clark, P.O. Box 25, Lee Road, Stanleytown, VA 24168. *Repossessed motor vehicles, boats and trailers, in driveaway operations,* between points in the U.S. except AK and HA, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): There are 9 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Mr. Archie W. Andrews, D/S, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 142686 (Sub-14TA), filed April 27, 1979. Applicant: Mid-Western Transport, Inc., a California corporation, 10506 South Shoemaker, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, Mandel & Kavaller, Attorneys-at-Law, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *CONTRACT:* Irregular: *Brass, bronze and copper rod, sheet and tube, materials and supplies used in the manufacture thereof,* from the facilities of Anaconda Brass Division in the city of Paramount in Los Angeles County, CA to Denver, CO, Delaware City, DE, Jacksonville, Orlando and Tampa, FL, Lewiston, ID, Jersey City, NJ, Albuquerque, NM, Oswego and Syracuse, NY, Las Vega, NV, Columbus and Warren, OH, Oklahoma City and Tulsa, OK, Portland, OR, King of Prussia, Philadelphia and Willow Grove, PA, Dallas, Ft. Worth and Houston (Richardson), TX, Salt Lake City, UT, Newport News, Norfolk and Portsmouth, VA and Bremerton, Seattle and Walla Walla, WA. Also between Paramount, CA on the one hand, and on the other hand, Buffalo, NY; Amarillo, TX; Butte, MT; and Carterette, NJ, for 180 days, an underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Anaconda Brass Division, 14900 Garfield Avenue, Paramount, CA 90723. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 143127 (Sub-37TA), filed May 4, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. *Empty glass bottles (one gallon or less),* from the plantsite of National Bottle Co. at Joliet, IL to points in NJ, NY, OH, PA and WV, for 180 days. ETA for 90 days was granted under R-22 with effective date of April 24, 1979. Supporting shipper(s): National Bottle Co., Richard Moreland, Mgr. of Distribution, 1 Bala-Cynwyd Plaza, Bala-Cynwyd, PA 19004. Send protests to: Interstate Commerce Commission, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

MC 143267 (Sub-69TA), filed April 26, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1155 15th St., NW, Washington, DC 20005. *Plywood, hardboard, particleboard, gypsumboard, molding and accessories used in the installation thereof,* from the facilities of Weyerhaeuser Company located at Chesapeake, VA, to points in OH, PA (on and west of State Highway 219), and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, 100 South Wacker Dr., Chicago, IL 60606. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 143267 (Sub-70TA), filed April 23, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esq., 1155 15th St., NW, Washington, DC 20005. *Roofing, building and insulating materials, and equipment and supplies* used in the installation thereof from the facilities of GAF Corporation at or near Joliet, IL, to points in MI and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): GAF Corporation, 1361 Alps Rd., Wayne, NJ 07470. Send protests to: Mary Wehner, D/S, I.C.C., 731 Federal Bldg., Cleveland, OH 44199.

MC 143267 (Sub-71TA), filed April 23, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esq., 1155 15th St., NW, Washington, DC 20005. *Such articles as are dealt in or used by agricultural equipment, industrial equipment, and motor vehicle manufacturers or dealers* (except items in bulk) in truckload quantities between the facilities of or used by International Harvester Company in IL, KY, TN, WI, and Shadyside and Springfield, OH, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, TN VT, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): International Harvester Company, 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 143276 (Sub-12TA), filed May 7, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative James L. Brazee, Jr., 3355 Lenox Road, #795, Atlanta, GA 30326. *Building paper, prepared roofing, prepared shingles, roofing asphalt, roofing cement and roofing paper, in straight or mixed shipments, roofing materials and dry felt* from the facilities of Tamko Asphalt Products, Inc. located in Tuscaloosa, AL to points in KY, TN, NC, SC and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 220 W. 4th, Joplin, MO. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 143276 (Sub-13TA), filed May 3, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative James L. Brazee, Jr., 3355 Lenox Road, Suite 795, Atlanta, GA 30326. *Equipment, raw materials, supplies and machines used in the manufacture and packaging of roofing materials and products,* between the plant facility of Owens-Corning Fiberglas Corp., Atlanta, GA on the one hand, and, all points and places in the states of AL, NC, SC and TN on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 143346 (Sub-7TA), filed April 18, 1979. Applicant: BILLY JACK HOLLINGSWORTH d.b.a. HOLLINGSWORTH GRAIN & TRUCKING, P.O. Box 384, Sanger, TX 76266. Representative Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. *Motor fuels, heating fuels, and furnace oil,* in bulk in tank vehicles from points in OK to points in AZ, CO, NM and TX, and from points in TX to points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B M H Oil Company, Inc., P.O. Box 5365, Wichita Falls, TX 76307. Send protests to: James H. Berry, ROD, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 143846 (Sub-7TA), filed May 4, 1979. Applicant: P. POSA, INC., 50 Van Kueren Avenue, Jersey City, NJ 07306. Representative Arthur J. Piken, Esq., Piken & Piken, Esqs., One Lefrak City Plaza, Flushing, NY 11368. *Such commodities as are dealt in or used by retail department stores (except commodities in bulk).* Between New York, NY and its commercial zone, on the one hand, and, on the other, Miami and Tampa, FL; Chicago and Oak Brook, IL; Indianapolis, IN; Troy, MI; Minneapolis, MN; Nashville, TN; Dallas, Houston and San Antonio, TX; and Seattle, WA and points in their respective commercial cones, and points in Suffolk County, NY for 180 days. Supporting shipper(s): Allied Stores Marketing Corp., 1114 Avenue of the Americas, New York, NY 10036. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton St., Rm 618, Newark, NJ 07102.

MC 144416 (Sub-3TA), filed April 13, 1979. Applicant: C. F. McGRAW, P.O. Box 498, Garden City, KS 67846. Representative: Herbert Alan Dubin, Sullivan & Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Plastic cord and twine,* from facilities of Exxon Chemical Co., U.S.A., at or near Kingman, KS to points in and west of ND, SD, NE, KS, OK and TX (except Kansas intrastate points), 180 days, common, irregular; ETA filed simultaneously. SUPPORTING SHIPPER: Exxon Chemical Co. U.S.A., Kingman, KS.; SEND PROTESTS TO: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. Supporting shipper(s): Exxon Chemical Co., U.S.A., 100 South Penalossa Street, P.O. Box 517, Kingman, KS 67068. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 144846 (Sub-9TA), filed April 27, 1979. Applicant: TRANSTATES, INC., 3216 E. Westminster, Santa Ana, CA 92703. Representative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Common, Irregular: *Fiberglass, woven roving, polyester resins and materials, supplies and equipment used in the manufacture of fiberglass,* from Los Angeles, Orange and Ventura Counties, CA to points in CO, NM, TX, OK, KS, NE, IA, MO, AR, LA, MS, AL, TN, KY, and IL, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Fiberglass, Inc., 3340 Ribelin Way, Garland, TX 75042. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 145506 (Sub-2TA), filed April 30, 1979. Applicant: ODOM TRUCKING CO., INC., Route 4, Box 165, Eufaula, AL 36027. Representative: William K. Martin, P.O. Box 2069, Montgomery, AL 36103. *Bananas,* from the facilities of The Best Banana Company, Inc., at or near Norfolk, VA, to all points and places in and east of MN, IA, MO, AR, and AL (except LA, MS, FL, ME, NH, RI or VT) for 180 days. Supporting shipper(s): The Best Banana Co., Inc., 3616 East Virginia Beach Blvd., Norfolk, VA 23502. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146416 (Sub-8TA), filed April 27, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 North Eucla Avenue (P.O. Box 476), San Dimas, CA 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Common, Irregular: *Drugs or medicines and toilet preparations,* from Union and Kenilworth, NJ, and points in their commercial zones, to points in CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Schering Corporation, 1011 Morris Avenue, Union, NJ 07083. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 146416 (Sub-9TA), filed May 8, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 North Eucla Avenue (P.O. Box 476), San Dimas, CA 91773. Representative: R. Y. Schureman, Attorney-at-Law, 1545 Wilshire Boulevard, Los Angeles, CA 90017. *Dressed hogs,* from La Junta, Colorado and York, Nebraska, and points in their commercial zones, to points in California, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Hoffman Bros. Packing Co., Inc., 2731 So. Soto Street, Los Angeles,

CA 90023. Send protests to: Irene Carlos, P. O. Box 1551, Los Angeles, CA 90053.

MC 146416 (Sub-10TA), filed April 17, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 No. Eucla Avenue, P.O. Box 476, San Dimas, CA 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions of Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except commodities in bulk, in tank vehicles),* from Sterling, CO to points in IL, WI, MI, OH, PA, NY, NH, NJ, CT, CA, UT, DC and MD, for 180 days. An underlying ETA seeks up to 90 days operating authority. *Restricted to shipments originating at the plantsite of Sterling Colorado Beef Company, Sterling, CO.* Supporting shipper(s): Sterling Colorado Beef Company, Right of Way Road, Sterling, CO. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 146597 (Sub-1TA), filed May 4, 1979. Applicant: NEW JERSEY DELIVERY SERVICE, INC., P.O. Box 341, Clifton, NJ 07011. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract irregular. *Packages, not exceeding more than five pounds per package,* between Paterson, NJ on the one hand, and on the other, Nyack, Haverstraw, New City, Monroe, Newburgh, Montgomery, Middletown, and Port Jervis, NY; and Sussex, NJ. Under a continuing contract or contracts with the A & P Tea Company, Paterson, NJ for 180 days. An underlying ETA seeks 90 days authority. Restriction: Restricted to shipments originating at and destined to the facilities of the A & P Tea Co. and picked up and delivered within twenty-four hours. Supporting shipper(s): A & P Tea Co., 90 Delaware Avenue, Paterson, NJ. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Room 618, Newark, NJ 07102.

MC 146656 (Sub-2TA), filed May 7, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract* carrier; irregular routes: *Automotive Frames* from the facilities of the Budd Company at or near Philadelphia, PA to Key Warehouse Services, Baltimore, MD, under a continuing contract with Jeep International, Div. of American Motors Company, restricted to traffic having a subsequent movement in foreign commerce, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): Don Fedoronko, Traffic Manager, Jeep International, Div. of American Motors Corp., 14250 Plymouth, Detroit, MI 48227. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 146716 (Sub-1TA), filed April 19, 1979. Applicant: LEVELLAND TRUCKING CO., P.O. Box 1375, Levelland, TX 79336. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Dry fertilizer,* in bags or in bulk, from Littlefield, TX to Albuquerque, Lovington, and Deming, NM, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): W. R. Grace, 7018 Red Barn Road, Freeport, TX 77541. Send protests to: Haskell E. Ballard, DS, ICC, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 146756 (Sub-1TA), filed April 9, 1979. Applicant: WAGNER TRUCKING, 6585 Dawn Way, Inver Grove, MN 55075. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Precast concrete* from Rosemount, MN to Ames, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nilcon Minnesota Inc., Dispatcher, 15305 Clayton Avenue, Rosemount, MN 55068. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 146817 (Sub-1TA), filed April 17, 1979. Applicant: GEORGE CAVES, P.O. Box 144, Benedict, NE, 68316. Representative: William B. Barker, 641 Harrision Street, Topeka, KS, 66603. *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Farmland Foods, Inc., at or near Carroll, Denison, Iowa Falls, Cherokee, Sioux City, Ft. Dodge and Des Moines, IA; Crete, Lincoln and Omaha, NE, to points in CT, DE, DC, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. Send protests to: Max H. Johnston, DS, ICC, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508.

MC 146837 (Sub-1 TA), filed April 19, 1979. Applicant: SOUTHERN MINNESOTA GROCERY COMPANY, 202 Southwest Second, Waseca, MN 56093. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Flour* from Winona, MN to Hutchinson, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kelly Milling Company, P.O. Box 1037, Hutchinson, KS 67501. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 146866 (Sub-1TA), filed April 26, 1979. Applicant: CONLAN TRUCK LINES, INC., 11400 W. Abbott Ave., Hales Corners, WI 53130. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Health care products, beauty products, personal care products and home cleaning products,* (1) from the facilities of Shaklee Corp. located in Chicago, IL to points in WI and the UP of MI and (2) from Minneapolis, MN to points in MN, restricted to traffic having a prior movement in interstate commerce from Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaklee Corp., 9860 S. Dorchester, Chicago, IL 60628. Send protests to: Gail Daugherty, TA, Interstate Commerce Commission, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146866 (Sub-2TA), filed April 30, 1979. Applicant: ROLLAND RILEY d.b.a. R. L. RILEY TRUCKING, 1331 North Union, Fremont, NE 68025. Representative: Rolland Riley, same address as above. *Lawn mowers, motor bikes, go-carts and parts and accessories used in the manufacturing thereof,* (1) from New Holstein, WI to Fremont, NE; and (2) from Fremont, NE to North Wilkesboro, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bird Engineering Co., RR #1, Fremont, NE 68025. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146877 (Sub-1TA), filed May 10, 1979. Applicant: REAMES FOODS, INC., 8614 Harbach, Clive, IA 50053. Representative: Vernon L. Chiles (same as applicant). *Shortening, salad oils, coconut oil, flavored syrups, pizza dough, and cheeses, except in bulk,* from Chicago, IL and its commercial zone to the facilities of Mel-O-Gold, Des Moines, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mel-O-Gold, 327 E. Edison Ave., Des Moines, IA. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146887 (Sub-1TA), filed May 10, 1979. Applicant: RINALDI MOTOR TRANSPORT, INC., P.O. Box 879, South San Francisco, CA 94080. Representative: R. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Paint, paint products, and paint ingredients and paco materials,* from the plantsite of Kelly Moore at or near San Carlos, CA, to points in the Reno, NV commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kelly Moore Paint Company, 1015 Commercial, San Carlos, CA 94070. Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 146957 (Sub-1TA), filed April 26, 1979. Applicant: DACIANO A. SANTOS, d.b.a. CONNECTICUT AIRPORT SERVICE, 17 Fairfield Avenue, Danbury, CT 06810. Representative: John E. Fay, Esquire, 630 Oakwood Avenue, West Hartford, CT 06110. Passengers and their baggage, between Bethel, Bridgewater, Brookfield, New Fairfield, Newtown, Redding, Ridgefield, Weston, Danbury, Naugatuck, Waterbury, and Bridgeport, CT, on the one hand, and LaGuardia and John F. Kennedy Airports, NY, and Newark International Airport, NJ, on the other hand, for 180 days. Supporting Shipper(s): Adriano Seabra Veiga, 1389 W. Main Street, Waterbury, CT 06708 Lopes Travel Agency, Inc., 53 Liberty Street, Danbury, CT 06810; Luso Travel Agency, 157 Rubber Avenue, Naugatuck, CT 06770; Luso Travel Agency, 58 W. Wooster Street, Danbury, CT 06810. Send protest to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 146896 (Sub-2TA), filed May 9, 1979. Applicant: PAUL R. CHENEY, d.b.a. CHENEY TRUCKING COMPANY, Route 1—Artesian St., Lemont, IL 60439. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. *Contract carrier: irregular routes:* (1) *Rolled paper mill products, except in bulk,* from the facilities of Prairie State Paper Mills located at Joliet, IL, to points in IN, IA, KY, MI, MN, OH and WI, and (2) *Materials, supplies and equipment used in manufacture and distribution of rolled paper mill products,* from points in IN, IA, KY, MI, MN, OH and WI, to Joliet, IL for the account of Prairie State Paper Mills for 180 days. Supporting Shipper(s): Prairie State Paper Mills, Division of Chippewa Paper Products Company, 292 Logan Ave., Joliet, IL 60434. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 146936 (Sub-2TA), filed April 4, 1979. Applicant: WALT'S DRIVE-AWAY SERVICE, INC., Frank Hitchcock Road, Cairo, New York 12413. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, New York 12207. *Contract carrier;* Irregular route; *Truck bodies on chassis,* Between Athens, NY on the one hand and all points in the following States: AL; CT; DC; FL; GA; ME; MD; MA; NH; NJ; CN; OH; PA; RI; SC; VT; VA; and NY. Supporting Shipper: Olson Bodies, Inc., Schoharie Turnpike, Athens, NY 12015. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, New York 12201. Supporting Shipper(s): Olson Bodies, Inc., Schoharie Turnpike, Athens, N.Y. 12015. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, Post Office Box 1167, Albany, N.Y. 12201.

MC 146987 (Sub-1TA), filed May 3, 1979. Applicant: EARL WEVER, an individual, Route 2, Box 59, Madill, Oklahoma 73446. Representative: G. Timothy Armstrong, 200 No. Choctaw, El Reno, Oklahoma 73036. *Meat, meat products and meat by-products* and *articles distributed by meat-packing houses,* as described in Sections A and C of appendix I in Descriptions in Motor Carrier Certificates (except hides and commodities in bulk) from Detroit and Quincy, MI, Chicago, IL and Council Bluffs, Debuque and Sioux City, IA to Ft. Smith, Little Rock and West Memphis, AR, Los Angeles and San Francisco, CA; Oklahoma City and Tulsa, OK; Portland, OR; Dallas, Ft. Worth and Houston, TX; and Seattle, WA. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Star Meat Co., 23660 Sherwood, Warren, Michigan 48041. Send protests to: Connie Stanley, TA, ICC, Room 24, Old Post Office Bldg., 215 N.W. Third Street, Oklahoma City, Oklahoma 73102.

MC 147007 (Sub-1TA), filed May 1, 1979. Applicant: EVERFRESH TRANSPORTATION COMPANY, 64311 East Palmer, Detroit, MI 48221. Representative: John S. Barbour, 2711 East Jefferson, Suite 203, Detroit, MI 48207. *Contract carrier;* irregular routes; *Juice and juice concentrates, pulp, sugar and other components necessary in the manufacture, sale or distribution of bottled fruit juices, raw and finished products, fresh and frozen, packaging, containers and boxes;* (1) between points in FL, on and North of Hwy 80 commencing at Fort Myers then Easterly to junction with US 441, then easterly to Palm Beach, FL, on the one hand, and on the other, points in the Detroit, MI commercial zone and the Chicago, IL commercial zone; (2) between the Chicago, IL commercial zone and the Detroit, MI commercial zone; (3) between the Detroit, MI commercial zone and points in AZ, CA, CT, DE, DC, IL, NJ, NY, IN, ME, MD, MA, OH, PA, RI, SC, VT, VA & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Home Juice Company, 15th and Bloomingdale, Melrose Park, IL 60106; Everfresh Juice Company, 64311 East Palmer, Detroit, MI 48221. Send protests to: C. R. Flemming, DS, ICC, 225 Federal Building, Lansing, MI 48933.

MC 147016 (Sub-1TA), filed May 1, 1979. Applicant: C & K TRUCKING, INC., 5193 Cresser Avenue, Memphis, TN 38116. Representative: R. Connor Wiggins, Jr., Attorney, Suite 909, 100 North Main Bldg., Memphis, TN 38103. *Sand or gravel,* in dump vehicles, from points in Shelby County, TN to points in MS on and north of U.S. Highway 82, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Clyde Owens Sand and Gravel, Inc., P.O. Box 190, Collierville, TN 38017; (2) Maharrey Houston Construction Co., 548 Pear, Memphis, TN 38107. Send protests to: Floyd A. Johnson, D/S, ICC, Suite 2006, 100 North Main Street, Memphis TN 38103.

MC 147037 (Sub-1TA), filed April 18, 1979. Applicant: FOREST TRANSPORT LIMITED, P.O. Box 3170, Thunder Bay, Ontario, Canada P7B 5G6. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Contract carrier;* irregular routes: *Lumber* from ports of entry on the international boundary line between the United States and Canada to points in MN, WI, IA, IL, IN, MI, ND, SD, NE, KS, OH, KY, MO, NY, PA, CO and OK, under a continuing contract or contracts with Great West Timber Limited, for 180 days. Supporting shipper(s): Great West Timber Limited, P.O. Box 3170, Thunder Bay, Ontario, Canada P7B 5G6. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 14706 (Sub-1TA), filed May 3, 1979. Applicant: SUNRISE DAIRY, INC., 1440 S.E. Cortina Dr., Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Paper bags, plastic bags and bags made of paper and plastic and poly sheeting,* from the facilities of Great Plains Bags Corporation at Des Moines, IA to points in WI and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Great Plains Bag Co., 2201 Bell, Des Moines, IA. Send protests to: Herbert W. Allen,

DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147057 (Sub-1TA), filed May 8, 1979. Applicant: CHESAPEAKE TRANSPORTATION COMPANY, 320 John St., Havre de Grace, MD 21078. Representative Edell D. Hall (same as above). *Contract carrier:* irregular routes: *Train crews and their baggage,* between points in MD, DC, DE, VA, PA and NJ, under a continuing contract with Consolidated Rail Corporation, Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mr. F. I. Doebber, Asst. Superintendent, Consolidated Rail Corporation, 1501 N. Charles St., Baltimore, MD 21201. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 147077 (Sub-1TA), filed May 10, 1979. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Avenue, Long Beach, CA 90807. Representative Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los angeles, CA 90010. *Contract:* irregular: *Solar hot water heaters, solar collectors, solar energy systems, and mounting frames for solar heaters and collectors,* from the facilities of Global Energy Systems located at Long Beach, CA and Crescent Engineering located at Gardena, CA to Phoenix and Tucson, AZ and Las Vegas, NV, for 180 days, under a continuing contract with Global Energy Systems of Long Beach, CA. An underlying ETA seeks 90 days operating authority. Supporting shipper(s): Global Energy Systems, 2115 E. Spring Street, Long Beach, CA 90806. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 147126 (Sub-TA), filed April 23, 1979. Applicant: LARRY ESTES, d.b.a. LARRY ESTES BODY SHOP, 720 Graham Road, Emporia, KS 66801. Representative Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Wrecked and Disabled or Repossessed Vehicles and Replacement Vehicles and Trailers, for such wrecked and disabled vehicles, between points and places within an 80-mile radius of Emporia, KS on the one hand, and points and places in the United States (except Alaska and Hawaii), on the other hand, for 180 days. Restricted to transport no trailers designed to be drawn by passenger automobiles, nor mobile homes, nor buildings in sections, travelling on their own or removable undercarriages, unless they are wrecked. Supporting shipper(s): Goodwill Tours, Inc., Box 236, 222 S. Main St., Erie, KS 66733. Graves Truck Line, Inc., 2130 South Ohio, Salina, KS 67401. Stover Lines, Inc., 5636 NW 17th St., Topeka, KS 66618. Interstate Brands, Inc., 1525 Industrial Rd., Emporia, KS 66801. John North Ford, Inc., 3002 W. Hwy 50, Emporia, KS. Tom Wilson, Inc., 2126 W Hwy 50, Emporia, KS. Dick Handy Chevrolet-Oldsmobile, Inc., 3012 W Hwy 50, Emporia, KS. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 SE Quincy, Topeka, KS 66683.

MC 147127 (Sub-1TA), filed April 18, 1979. Applicant: McLAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., 1747 Pennsylvania Ave., NW., Suite 1050, Washington, DC 20006. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* from points and places in Mecklenburg County, NC to points and places in SC; and from points and places in SC to points and places in Mecklenburg County, NC. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* between points and places in Chatham County, GA, on the one hand, and, on the other, points and places in NC and SC; and between points and places in New Hanover County, NC, on the one hand, and, on the other, points and places in NC and VA. *Petroleum and petroleum products (except in bulk)* from points and places in SC to points and places in NC and VA, for 180 days. Supporting shipper(s): There are approximately 7 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 147146 (Sub-1TA). Applicant: LANG TRANSPORTATION, INC., Red Gate Lane, Meredith, NH 03253. Representative: Kenneth E. Lang (same address as applicant). *Contract carrier:* irregular routes: *Building materials,* between points in CT, ME, MA, NH, RI, and VT, for 180 days. Supporting shipper(s): Gerrity Lumber Company, Inc., P.O. Box 669, Meredith, NH 03253. Send protests to: Ross J. Seymour, DS, ICC, Rm 3, 6 Loudon Rd, Concord, NH 03301.

MC 147187 (Sub-TA), filed April 23, 1979. Applicant: RICHARD L. KUSKE, d.b.a. R. L. Kuske Trucking, P.O. Box 29, New England, ND 58647. Representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, ND 58501. *Contract carrier:* over irregular routes: (1) *Iron and steel articles,* from Minneapolis, MN, Chicago, IL, and their commercial zones, to New England, ND, under contract with Koffler Mfg., Inc., and (2) *Hardwood lumber,* from Bangor, WI, and Lake Elmo, MN, to Dickinson, ND, under contract with Steffes Church Furniture Manufacturing, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Koffler Mfg., Inc., New England, ND 58647. Steffes Church Furniture Manufacturing, P.O. Box 266, Dickinson, ND 58601. Send protests to: DS, ICC, Room 268 Fed. Bldg., 657 2nd Avenue North, Fargo, ND 58102.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-17002 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice 92]

Assignment of Hearings

June 5, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115276 (Sub-6F), Charles O. Ingmire, Inc., application is dismissed.

MC 111485 (Sub-25F), Paschall Truck Lines, Inc., application is dismissed.

MC 113851 (Sub-287F), Indiana Refrigerated Lines, Inc., now assigned for hearing on June 11, 1979 (1 day), is canceled and application is dismissed.

MC-C-10149, O.N.C. Freight Systems and Altruk Freight Systems, Inc., V. Oak Harbor Freight Lines, Inc., and Wholesale Delivery Service (1972) LTD W. now assigned for hearing on June 6, 1979 (1 day), at Seattle, Wa., is canceled and application is dismissed.

MC 138875 (Sub-112), Shoemaker Trucking Company, transferred to Modified Procedure.

MC 2900 (Sub-342F), Ryder Truck Lines, Inc., now assigned for continued hearing on July

9, 1979 (3 days), at Birmingham, AL, in a hearing room to be later designated.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-18071 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 334F (Sub-No. 2)]

Chicago & Northwestern Transportation Co—Petition for Institution of Rulemaking Proceeding To Update Allocation Factors and Ratios of Expenses Within the Car Hire Compensation Formula; Declining To Institute Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice declining to institute rulemaking proceeding.

SUMMARY: Chicago & Northwestern Transportation Company filed a petition to institute a rulemaking proceeding under 49 U.S.C. 10326 to revise and update the allocation factors used to assess per diem rates for the use of railroad-owned freight cars when on the lines of non-owning roads on the basis that they are inaccurate due to passage of time and changes in operating conditions. Petition for rulemaking judged premature. In addition, petitioner's proposal to revise repair cost component to reflect age of car fleet found to be without merit.

By order served concurrently with this publication, the Commission has denied petitioner's request to institute a rulemaking proceeding.

FOR FURTHER INFORMATION CONTACT: Janice M. Rosenak, or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423 (202-275-7693).

Copies of the decision being issued concurrently with the notice may be obtained by calling 800-424-9312.

Issued in Washington, D.C., June 1, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Christian absent and not participating.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-18072 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 19)]

Louisville & Nashville Railroad Co. Abandonment Between Kane and Greenburg, Ky.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 (formerly Section 1a of the Interstate Commerce Act) that by a decision decided August 28, 1978, and the decision of the Commission, Division 1, served March 20, 1979, adopted the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), Oregon Short Line R. Co.-Abandonment Goshen I.C.C. decided February 9, 1979, the present and future public convenience and necessity permit abandonment by the Louisville and Nashville Railroad Company of a portion of its railroad extending 10.55 miles between Kane, Taylor County, KY, and Greensburg, Green County, KY. A certificate of abandonment will be issued to the Louisville and Nashville Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the diffenence between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-18073 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Costs; Calculation by Computerized Programs

The Interstate Commerce Commission has developed a computerized program to calculate motor carrier costs at the variable and fully allocated levels. The program is designed to operate on the DEC system-10 computer and is written in the FORTRAN-10 language.

To use the program, the user must specify the weight of the shipment, the mileage, and the cost regions involved. Costs may be calculated for any size shipment.

The following costs, as appropriate, will be calculated for each shipment:

- line-haul cost per hundredweight (cwt)
- pickup and delivery cost at origin and destination per hundredweight
- billing and collecting costs at origin and destination per hundredweight
- platform handling costs at origin and destination per hundredweight
- cargo or equipment interchange cost per hundredweight
- total variable costs per hundredweight
- total fully allocted costs per hundredweight
- total variable costs per shipment.

To purchase the program, a blank reel of magnetic tape must be provided. The tape should be 9 channel, 800 B.P.I. and odd parity. The charge for this service is $25.00. Purchase requests and questions concerning the program should be directed to: Alden E. Luke, Chief, Section of Systems Development, Office of the Managing Director, Interstate Commerce Commission, 12th Street & Constitution Avenue, NW., Washington, D.C. 20423.

Inquiries concerning the costing procedures may be directed to:

William T. Bono, Chief, Section of Cost Development, Room 6331, Bureau of Accounts, Interstate Commerce Commission, 12th Street & Constitution Avenue, NW., Washington, D.C. 20423 (202) 275-7354.

Virginia Levin, Economist, Office of Policy and Analysis, Room 7361, Interstate Commerce Commission, 12th Street & Constitution Avenue, NW., Washington, D.C. 20423 (202) 275-7156.

A "Motor Carrier Computerized Costing Program" instruction manual, designated as Statement 2E4-79, is available free from the Publications

Room, Office of the Secretary, Room 2229, Interstate Commerce Commission, Washington, D.C. 20423.

H. Gordon Homme,

Secretary.

[FR Doc. 79-18074 Filed 6-8-79; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 19]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications.

May 31, 1979.

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

W-1269 (Sub-1M1F) (Notice of Filing of Petition To Modify Certificate), filed August 28, 1978. Petitioner: YACHTS-O-FUN CRUISES, INC., 1130 N. Jantzen, Portland, OR 97217. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Petitioner holds motor *common carrier* authority in W-1269 Sub 1, issued May 25, 1977, authorizing the transportation by self-propelled vessels of *passengers* in charter operations (1) between ports and points along the columbia River in WA and OR extending from the mouth of the Columbia River at the Pacific Ocean to a point twenty miles upstream from Pasco, WA; (2) between ports and points along the Willamette River in OR extending from the conflux of the Willamette and Columbia Rivers near Portland, OR to Salem, OR; and (3) between ports and points along the Snake River in ID and WA extending from the conflux of the Snake and Columbia Rivers near Burbank, WA to Lewiston, ID. By the instant petition, petitioner seeks to modify the authority to include special operations as well as charter operations.

MC-135379 (Sub-7M2F) (Notice of Filing of Petition To Modify Permit), filed February 14, 1979. Petitioner: EASTERN TRANSPORT, INC., 320 Stiles St., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *contract carrier* permit in MC-135379 Sub 7, issued June 24, 1977, authorizing the transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses (except glass containers and commodities in bulk), and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except glass containers and commodities in bulk), between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA, NC, SC, WV, GA, FL, AL, LA, MS, TN, and DC. Restriction: The authority granted herein is limited to a transportation service to be performed under a continuing contract, or contracts with Food Fair Stores, Inc., Ideal Shoe Co., and J. M. Fields, Inc. By the instant petition, petitioner seeks to modify the authority by adding Lever Brothers Company, of New York, NY, as a contracting shipper.

MC-136828 (Sub-16M1F) (Notice of Filing of Petition To Modify Certificate), filed, February 26, 1979. Petitioner: COOK TRANSPORT, INC., 214 South Tenth St., Birmingham, AL 35233. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Petitioner holds motor *common carrier* certificate in MC-136828 Sub 16, issued May 24, 1978, authorizing the transportation, over irregular routes, of (1) *fans, fanwheels, and pollution control equipment,* from the plant sites and other facilities utilized by Barron Industry, Inc., and Air System Division of Zurn Industries, Inc., in AL to those points in that part of the United States in and east of AZ, UT, WY, and MT, (2) *fans, fanwheels, and materials and supplies* used in the manufacture and distribution of the commodities named above (except commodities in bulk), from those points in that part of the United States in and east of AZ, UT, WY, and MT to the plant sites of Barron Industry, Inc., at Anniston, Guntersville, and Leeds, AL, and (3) *iron and steel articles,* from points in IL, PA, OH, and NE to the plant sites of Air System Division of Zurn Industries, Inc., in Birmingham, Cullman, Helena, Huntsville, Oakman, Opelika, Warrior, and Winfield, AL. By this instant petition, petitioner seeks to modify the authority by eliminating the plant sites and other facilities utilized by Barron Industry, Inc., and Air System, Division of Zurn Industries, Inc., in Parts (1), (2), and (3).

MC-139112 (Sub-11M1F) (Notice of Filing of Petition To Modify Certificate), filed February 7, 1979. Petitioner: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, PA 18708. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Petitioner holds motor *common carrier* Certificate in MC-139112 Sub 11 issued July 25, 1978, authorizing transportation, over irregular routes of *above-ground swimming pools and plastic toys,* from Wilkes-Barre, PA, to points in the United States (except AK and HI). By the instant petition, petitioner seeks to modify the authority as follows: Delete the word *plastic* in the commodity description.

MC 139979 (M1F and Sub-1 M1F) (Notice of Filing of Petition To Modify), filed December 4, 1978. Petitioner: American Colloid Carrier Corporation, P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. Petitioner holds motor *contract carrier* permits in MC 139979 issued January 27, 1977 and Sub 1 originally issued September 19, 1978 and reissued as corrected on April 23, 1979. MC 139979 authorizes transportation, over irregular routes, of (1) *Bentonite clay, processed clay, foundry moulding sand treating compounds, lignite, water impedence boards, and farm supplies,* between points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI and WY. Restriction: The operations authorized above are restricted to traffic originating at or destined to the plantsites and facilities of American Colloid Company. (2) *Bentonite clay, processed clay, foundry moulding sand treating compounds, lignite, water impedence boards, and farm supplies* (except commodities in bulk, in tank vehicles, between points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI and WY. (3) *Construction materials,* between points in CO, IA, MN, MT, NE, NM, ND, SD, UT, WI, and WY. Restriction: The operations authorized in part (3) above are restricted to traffic originating at or

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

destined to the plantsite and facilities of American Colloid Company. (4) *Construction materials* (except commodities in bulk, in tank vehicles), between points in CO, IA, MN, MT, NE, NM, ND, SD, UT, WI and WY. (5) *Materials, supplies and equipment* used in the manufacture, processing, and distribution of the commodities set forth in (1) and (3) above, between points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI, and WY. Restriction: The operations authorized in part (5) above are restricted to the transportation of traffic orignating at or destined to the plantsites and facilities of American Colloid Company. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with American Colloid Company of Skokie, IL. The authority granted in parts (1) and (3) duplicates authority granted in parts (2) and (4) respectively, it and the authority duplicated shall not be construed as conferring more than one operating right. Sub 1 authorizes transportation, over irregular routes, of (1) *Bentonite clay, processed clay, foundry moulding sand treating compounds, lignite, water impedence boards, and farm supplies,* (a) between points in MI and OH, (b) between points in MI and OH on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI and WY. Restriction: Operations under part (1) are restricted to traffic originating at or destined to the plantsites and facilities of American Colloid Company; (2) *Bentonite clay, processed clay, foundry moulding sand treating compounds, lignite, impedence boards, and farm supplies* (except commodities in bulk, in tank vehicles), (a) between points in MI and OH, (b) between points in MI and OH on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI, and WY. (3) *Construction materials,* (a) between points in MI and OH, (b) between points in MI and OH on the one hand, and, on the other, points in CO, IA, MN, MT, NE, NM, ND, SD, UT, WI and WY. Restriction: Operations under part (3) are restricted to traffic originating at or destined to the plantsite and facilities of American Colloid Company; (4) *Construction materials* (except commodities in bulk, in tank vehicles), (a) between points in MI and OH, (b) between points in MI and OH on the one hand, and, on the other, points in CO, IA, MN, MT, NE, NM, ND, SD, UT, WI and WY. (5) *Materials, supplies and equipment used in the manufacturing, processing, and distribution of the commodities set forth in (1) and (3) above,* (a) between points in MI and OH, (b) between points in MI and OH on the one hand, and, on the other, points in AR, CO, IL, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, UT, WI, and WY. Restriction: Operations under part (5) are restricted to traffic originating at or destined to the plantsites and facilities of American Colloid Company; Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with American Colloid Company of Skokie, IL. The authority granted in parts (1) and (3) duplicates authority granted in parts (2) and (4), respectively, it and the authority duplicated shall not be construed as conferring more than a single operating right. By the instant petition, petitioner seeks to modify the above permits by adding *salt* as an authorized commodity under parts (1) and (2) of each permit.

Motor Carrier, Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected.

MC 114457 (Sub-512), filed May 29, 1979. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by home improvement centers, (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 134922 (Sub-287F), filed March 21, 1979. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting acids and chemicals, (except commodities in bulk), from points in NJ, DE, and PA, to points in CA and TX. (Hearing site: Philadelphia, PA, or Washington, DC).

Note.—Applicant states the purpose of this application is to replace interline service it is presently providing in conjunction with other carriers.

MC 142998 (Sub-4F), filed March 19, 1979. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264 Airport Plaza, 1755 E. Plumb Lane, Reno, NV 89502. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting *such commodities* as are used by and/or dealt in public and/or private consolidation/distribution centers and/or warehouses, physical distribution management services, and *agricultural commodities* the transportation of which is normally exempt from economic regulation when co-mingled with shipments of the above described commodities between the facilities of Hub West, Inc., at Longshot, NV on the one hand, and points in the United States including AK and DC on the other hand, except HI. (Restricted to traffic originating at or destined to the facilities of the supporting shipper, Hub West, Inc., at Longshot, NV.) (Hearing site: Reno, NV)

Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 11, 1979. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice*

(49 CFR 1100.247) addressing specificially the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 45626 (Sub-71F) (republication), filed April 14, 1978, published in the Federal Register August 10, 1978, and republished this issue. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Representative: John J. Dwyer (same address as applicant). A Decision of the Commission, Review Board No. 2, decided February 28, 1979, and served March 30, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, (1) between Greenfield, Northfield and Mount Hermon, MA, on the one hand, and, on the other, points in the United States, including AK, but excluding HI, (2) in round-trip sightseeing and pleasure tours, beginning and ending at points in Clinton County, NY, and those in Franklin County, NY, on and north of U.S. Hwy 11, and extending to points in the United States, including AK, but excluding HI), and (3) in one-way sightseeing and pleasure tours, between points in Clinton County, NY, and those in Franklin County, NY, on and north of U.S. Hwy 11, on the one hand, and, on the other, points in the United States, including AK, but excluding HI), that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to delete restrictions.

MC 115826 (Sub-319F) (Republication), filed June 5, 1978, published in the Federal Register July 18, 1978, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (same address as applicant). A decision of the Commission, Review Board No. 1, decided March 21, 1979, and served March 30, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *chemicals and chemical products* (except in bulk); (2) *high pressure washer units;* and (3) *materials, equipment, and supplies* (except in bulk) used in the manufacture, distribution, and installation of high pressure washer units, from points in CA, to points in CO, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity description.

MC 121437 (Sub-6F) (Republication), filed April 14, 1978, published in the Federal Register August 3, 1978, and republished this issue. Applicant: CARROLL E. FLYNN, d.b.a. A-1 MOBILE HOMES MOVERS, 2923 West Montebello, Phoenix, AZ 85017. Representative: Phil B. Hammond, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. A Decision of the Commission, Review Board No. 2, decided February 27, 1979, and served March 30, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *trailers* designed to be drawn by passenger automobiles (except travel and camping trailers) and *buildings*, in sections, mounted on wheeled undercarriages, and *equipment* with hitchball connectors, in secondary movements, between points in AZ, NV, NM, TX, CA, UT, and CO; and (2) *trailers* designed to be drawn by passenger automobiles (except travel and camping trailers) and *buildings* in sections, mounted on wheeled undercarriages, and *equipment* with hitchball connectors, in initial movements, from Murray, and Brigham City, UT, to points in AZ, NV, and NM, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the commodity and territorial description.

MC 126358 (Sub-No. 14F) (Republication), filed April 3, 1978, published in the Federal Register issue of June 22, 1978, and republished this issue. Applicant: BENNETT TRUCKING CO., a corporation, P.O. Box 526, Hawkinsville, GA 31036. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. A decision of the Commission, Review Board Number 3, decided March 19, 1979, and served April 6, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *lumber* (except plywood and veneer), from points in Peach and Crawford Counties, GA, to points in AL, FL, GA, MS, NC, SC, TN, and VA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 144626 (Republication), filed April 12, 1978, published in the Federal Register July 20, 1978, and republished this issue. Applicant: TRANS NATIONAL EXPRESS, INC., 520 Otter Hole Road, West Milford, NJ 07480. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A decision of the Commission, Review Board Number 2, decided March 20, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *motor vehicles* (except trucks, automobiles, and motor homes, and except new tractors and chasis, in secondary movements, in driveway service), *hardware, conveyors, furniture, lawn mowers, power equipment, and wheel goods;* (2) *parts, attachments and accessories* for the commodities in (1) above; and (3) *materials, equipment and supplies* used in the manufacture and sale of the commodities in (1) and (2) above, (except commodities in bulk), (a) between the facilities of MTD Products, Inc., at or near (i) Westfield, MA, (ii) Cleveland, Strongsville, Shelby, and Willard, OH, and (iii) Indianola, MS, and (b) between the facilities specified in (a) above, on the one hand, and, on the other, points in NM, TX, CA, AZ, NV, WA, OR, ID, UT, and LA, that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to modify the territorial description.

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and

properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before July 11, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conversation Act of 1975.

MC-F-13887F. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Authority sought for control by General Freights, Inc., P.O. Box 1946, Hagerstown, MD 21740, of Alexandria Trucking Co., Inc., Rt. #6, Box 49, Front Royal Rd., Winchester, VA 22601.. Operating rights sought to be controlled: regular routes: general commodities, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Front Royal, VA, and Washington, D.C., serving the intermediate and off-route points within two miles of Front Royal, VA, and the off-route points of Sperryville, Washington, Flint Hill, and Riverton, VA.: from Front Royal over VA Hwy 55 to junction U.S. Hwy 211, near Gainesville, VA, thence over U.S. Hwy 211 to Washington, D.C., and return over the same route. Irregular routes: general commodities except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Front Royal, VA, on the one hand, and, on the other, points in that part of VA within 25 miles of Front Royal. Irregular routes: building materials, coal, coke, wood, pitch tar, paint, machinery, contractors' tools and equipment, between Alexandria, VA, and points in VA within 10 miles of Alexandria, on the one hand, and, on the other, Washington, D.C., and points in MD within 40 miles of Washington, D.C.; Cement, from Washington, D.C., to points in MD and VA within 25 miles of Washington, with no transportation for compensation on return except as otherwise authorized; structural steel, from Phoenixville, PA, to Alexandria, VA, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in MD, PA, VA, MA, CT, RI, NY, NJ, DE, WV, NC, SC, GA, FL, and DC. An application has been filed for temporary control under 210a(b).

Authority sought by McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27102, to purchase (1) a portion of the motor carrier operating rights of O.N.C. Freight Systems, O.N.C. Freight Systems of Oklahoma, Inc., and Ameri-Con Cartage, (2) the freight forwarder permits of O.N.C. Forwarding and American Consolidators, and (3) certain carrier operating properties of ROCOR International and its subsidiaries. The address of Transferors is P.O. Box 10280, Palo Alto, CA 94303. Applicant's Representatives: David G. Macdonald, Suite 502, Solar Building, 1000-16th Street, N.W., Washington, DC 20036 and David F. Eshelman, P.O. Box 213, Winston-Salem, NC 27102, for Transferee; Roland Rice, Suite 618, Perpetual Building, 1111 E Street, N.W., Washington, DC 20004, for Transferors. The motor carrier operating rights to be transferred consist principally of the following: (1) common carrier rights, of general commodities, with exceptions, and contract carrier rights, of specific commodities, of O.N.C. Freight System (a) issued in MC-71459 Subs 88, 67 and 69; (b) issued in MC-71459, Sub 72, except authority to be retained consisting of authority therein to transport classes A and B explosives; commodities in bulk and commodities requiring the use of special equipment; (c) to be issued as acquired from Interocean Service Corp. in MC-17006, pursuant to MC-F-17534; (d) to be issued when approved in MC-71459, Subs 55, 65, 68F, 70F, 71F, in MC-116999, Sub 4, MC-128879, Sub 25, and MC-6714, Sub 10; (e) to be issued in pending acquisition proceedings; (f) and authorities issued in MC-26739, Sub Nos. E-1, E-2 and E-4; (2) Common carrier rights, of general commodities, with exceptions, of O.N.C. Freight Systems of Oklahoma, Inc., formerly Caddo Express, issued in No. MC-134308, Sub Nos. 2, 3, 6, 8, 11, and 12, control approved in MC-F-12218 February 9, 1978, subject to prior sale to Altruk Freight Systems, Inc., pursuant to MC-F-13761 (Fed. Reg. Oct. 26, 1976) of "commodities moving in mechanically refrigerated equipment"; (3) common carrier rights, of general commodities, with exceptions, of Ameri-Con Cartage to be issued in No. MC-22967 and subs as authorized in No. MC-F-12675, which rights authorize motor carrier service over numerous routes and at numerous points in NY, NJ, CT, RI, MA, NH, PA, OH, IN, IL, IA, KS, NE, MN, MO, CO, WY, TX, OK, NM, AZ, UT, NV, WA, OR, and CA. The operating rights to be acquired generally contain the following restrictions: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment, and commodities moving in mechanically refrigerated equipment). In No. MC-F-12675 (February 24, 1977), O.N.C. Freight Systems-Control—Rocor Truck Lines and ROCOR International—Control Altruk Freight Systems, Tractor, Inc., and Ameri-Con Cartage, (the "Rocor Reorganization case"), a division of operating rights of numerous carriers then controlled by ROCOR into O.N.C. Freight Systems, Altruk Freight Systems, VanGo and Tractor, Inc., (now Alfarm Freight Systems) was authorized subject to a restriction, to appear in No. MC-71459, Sub 72 as follows: "The authority quoted in this certificate, to the extent that it duplicates the operating rights held by carriers under the common ownership of ROCOR International, may not hereafter be severed from such common ownership by sale or otherwise, nor do any duplications confer more than one operating right." As a matter directly related to the application, ROCOR and applicants have petitioned for relief from that restriction so as to permit consummation of the proposed transaction. The freight forwarder permits of O.N.C. Forwarding and American Consolidators are sought to be transferred pursuant to section 10926 of the Interstate Commerce Act to M.T. Forwarding Company, a wholly-owned subsidiary of Transferee. This notice does not purport to be a complete description of all of the operating rights of O.N.C. Freight Systems, O.N.C. Freight Systems of Oklahoma, Inc., Ameri-Con Cartage, O.N.C. Forwarding and American Consolidators but is believed sufficient for purpose of public notice regarding the nature and extent of these carriers' operating rights without stating in full the entirety thereof. Transferee McLean Trucking Company is authorized to operate pursuant to

Certificate No. MC–31389 and subs as a common carrier of general commodities, with the usual exceptions, over primarily regular routes between points in the States of AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI and the District of Columbia. Transferors regular route authority may be tacked with that of transferee in IL, MO, KS, NE, TX, MN, NY, NJ, CT, and MA. Transferee will seek authority to tack irregular route portions of its authority with irregular-route portions of Transferors' authorities. There may be an issue presented under section 10930 of the Act. Application has been filed for authority under section 11349 of the Act.

Authority sought for purchase by AFFILIATED VAN LINES, INC., 2124 Washington Street, Box 204, Lawton, OK 73502, of a portion of the operating rights of KINGS VAN & STORAGE, INC., 814 First National Center, Oklahoma City, OK 73102, and for acquisition by Terry Bell, 2124 Washington Street, Box 204, Lawton, OK 73502, of control of such rights through the transaction. Transferee's attorney: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Transferor's attorney: V. Burns Hargis, 2808 First National Center, Oklahoma City, OK 73102. Operating rights sought to be purchased: Household Goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between Oklahoma City, OK, and points and places in OK within 200 miles of Oklahoma City, on the one hand, and, on the other, points and places in MT and WY; and new furniture, mirrors, and furniture parts, crated, between Oklahoma City, Trumann, AR, Toccoa, GA, and Selma, AL, from Oklahoma City, OK and Trumann, AR to points in NE, CO, NM, KS, OK, TX, MN, IA, MO, AR, WI, IL, CA, AZ, ND, and SD, from Toccoa, GA, Selma, AL, and Trumann, AR to points in ME, NH, VT, MA, CT, and RI, from Trumann, AR to points in NC, LA, MS, MI, IN, KY, TN, AL, VA, FL, GA, MD, NJ, and DE. Vendee is authorized to operate as a common carrier under Certificate No. MC–141364 and subs thereto, in the states of OK, KS, AR, CO, IL, IA, LA, MO, NE, NM, and TX. Application has been filed for temporary authority under section 210a(b). Hearing site: Oklahoma City, OK.

Authority sought for purchase by BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828, of all of the operating rights of UNIVERSAL DEVELOPMENT, INC., P.O. Box 568, York, NE 68467 and for acquisition by Frank Hayashida, 7328 So. Land Park Dr., Sacramento, CA 95831, of control of such rights through the purchase. Transferor's attorney: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Operating rights to be purchased: Meats, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Sunflower Beef Packers, Inc. at York, NE, to points in WA, OR, ID, and MT, restricted to transportation of shipments originating at the named origin and destined to the indicated destinations. Transferee is a common carrier by motor vehicle authorized to conduct operations in AZ, CA, CO, ID, MT, NE, NV, NM, OR, WA, and WY. Application has been filed for temporary authority under Section 210a(b). (Hearing site: Omaha, NE.)

MC–F–14020F Authority sought for the purchase by Coast Express, Inc., 2422 South Peck Road, Whittier, California, 90609, a portion of the operating rights of Cox Refrigerated Express, Inc., 10606 Good night Lane, Dallas, Texas, 75220, and for acquisition by James Cardwell, 2422 South Peck Road, Whittier, California, 90609, of control of such rights through the purchase. Applicant's attorney: D. Paul Stafford, Suite 1125, Exchange Park, Dallas, Texas, 75245. Operating rights sought to be purchased: *Candy and confectionery items and desert preparations,* from the plant site and warehouse facilities of Queen Anne Candy Company located at or near Hammond, Indiana, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized. Coast Express, Inc. is authorized to operate as a contract carrier in the States of AR, GA, IL, IN, IA, KT, MI, MO, NB, OH, RI, TN, TX, UT, WI, AZ, ID, OR, WA, CA, KS, NJ, PA, NV, NM, CO, WY, and MT. Application has been filed for temporary authority under section 210a(b).

MC–F–14024F. Authority sought for purchase by Bilkays Express Co., 830 Old Corlies Avenue, Neptune, NJ 07753 (Vendee) a portion of the operating rights of M & M Transportation Co., Debtor in Possession, 750 Third Avenue, New York, NY 10017 contained in MC 69275 and for control by Robert A. Kortenhaus and William J. Kortenhause through purchase. Vendees attorneys Edward M. Alfano and John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528, Vendor's attorney Herbert Burstein, One World Trade Center, New York, NY 10048. Operating rights sought to be purchased: General commodities, with exception, as a common carrier, over regular routes between Boston, MA and Philadelphia, PA as more fully described in certificate MC 69275 subject to the following: Restricted against transportation of traffic (1) between points in CT, (2) between points in MA, and (3) between New York, NY and Philadelphia, PA. Vendee is authorized to operate pursuant to certificate No. MC 73616 and subs as a common carrier, over irregular routes, in the states of CT, NY, and NJ. Application has been filed for temporary authority under Section 210a(b). (Hearing site: New York, NY.)

MC–F–14026F. Authority sought for purchase by CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, of all of the operating rights of NORTHERN ILLINOIS TRUCKLINES, INC., 1001 South Laramie Ave., Chicago, IL 60644, and for acquisition of control of such rights by CenTra, Inc., and in turn, control of such rights by T. J. Moroun and M. J. Moroun, all of 34200 Mound Road, Sterling Heights, MI 48077, through the purchase. Applicants' Attorneys: R. W. Lech, Executive Vice President, Central Transport, Inc., Agent for Transferee, and Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, Attorney for Transferor. Operating rights sought to be transferred are contained in Certificate of Registration MC 99585 (Sub-1), authorizing the transportation of Household Goods, Coal, wood, pianos, office and store furniture and fixtures, merchandise within a 50-mile radius of 4131 North Western Ave., Chicago, IL, and to transport such property to or from any point outside of such area; also, household goods, pianos, office furniture and fixtures to or from any point or points within the State of IL. Vendee is authorized to operate as a common carrier in IL, IN, KY, MI, OH, MI, PA, WV and WI. Application has been filed for temporary authority under Section 210a(b) and a conversion application has been filed under Section 207.

Motor Carrier Intrastate Application(s) Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section

206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Texas Docket 002339A3A (Correction), filed September 29, 1978. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Damon R. Capps, Suite 1230, Capital National Bank Building, Houston, TX 77002. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities,* over regular routes, (1) Between Dallas, TX and San Antonio, TX, as follows: From Dallas, TX over Interstate Hwy 35E to the intersection of Interstate Hwy 35E and Interstate Hwy 35 thence over Interstate Hwy 35 to San Antonio, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to Certificate 002339 and in interstate and foreign commerce pursuant to all services authorized under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic originating at or destined to San Antonio, TX. (2) Between Fort Worth, TX and San Antonio, TX as follows: From Fort Worth, TX over Interstate Hwy 35W to the intersection of Interstate Hwy 35W and Interstate Hwy 35, thence over Interstate Hwy 35 to San Antonio, TX, and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to Certificate 002339 and in interstate and foreign commerce pursuant to all services authorized under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic originating at or destined to San Antonio, TX. (3) Between Dallas, TX and Houston, TX as follows: From Dallas, TX over Interstate Hwy 45 to Houston, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce pursuant to all services authorized under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic originating at or destined to Houston, TX. (4) Between Fort Worth, TX and Houston, TX as follows: From Forth Worth, TX over U.S. Hwy 287 to intersection of U.S. Hwy 287 and Interstate Hwy 45 thence over interstate Hwy 45 to Houston, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce pursuant to services authorized under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic originating or destined to Houston, TX. (5) Between Fort Worth, TX and Houston, TX as follows: From Fort Worth, TX over U.S. Hwy 80 to the intersection of U.S. Hwy 80 and Interstate Hwy 45 thence over Interstate Hwy 45 to Houston, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce pursuant to services authorized under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic originating at or destined to Houston, TX. (6) Between Fort Worth, TX and Victoria, TX as follows: From Fort Worth, TX over Interstate Hwy 35W to the intersection of Interstate Hwy 35W and Interstate Hwy 35 thence over Interstate Hwy 35 to the intersection of Interstate Hwy 35 and U.S. Hwy 77 thence over U.S. Hwy 77 to Victoria, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce pursuant to all services authorized in interstate and foreign commerce under Docket MC 107727 and subs thereunder. (7) Between Dallas, TX and Victoria, TX as follows: From Dallas, TX over Interstate Hwy 35E to the intersection of Interstate 35E and Interstate 35 thence over Interstate Hwy 35 to the intersection of Interstate Hwy 35 and U.S. Hwy 77 thence over U.S. Hwy 77 to Victoria, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce pursuant to all services authorized in interstate and foreign commerce under Docket MC 107727 and subs thereunder. (8) Between Forth Worth and Houston, TX as follows: From Fort Worth, TX over the Dallas-Fort Worth Turnpike (IN 30) to the intersection of the IN 30 and IH 45 thence over IH 45 to Houston, TX and return serving no intermediate points and joining, tacking and coordinating the proposed service with all services authorized in intrastate commerce pursuant to all services authorized under Certificate 002339 and in interstate and foreign commerce under Docket MC 107727 and subs thereunder with the exception that no service is sought for traffic destined to or originating at Houston, TX. Intrastate, Interstate and Foreign commerce authority sought. HEARING: July 9, 1979 to August 10, 1979, times and places not yet fixed. Requests for procedural information should be addressed to Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Transportation of Used Household Goods in Connection With a Pack-and-Crate Operation on Behalf of the Department of Defense

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of used household goods, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense under the Direct Procurement Method or the Through Government Bill of Lading Method under the Commission's regulations (49 CFR 1056.40) promulgated in "Pack-and-Crate" operations in Ex Parte No. MC-115, 131 M.C.C. 20 (1978).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before July 2, 1979. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of

its notice in the Federal Register, subject to its tariff publication effective date.

HG-5-79 (Special Certificate—Used Household Goods), filed April 29, 1979. Applicant: EIGHMIE MOVING & STORAGE CO., INC., Route 9W, Milton, NY 12547. Representative: Alvin Altman, 888 Seventh Ave., New York, NY 10019. Authority sought: Between points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, NY, and Fairfield County, CT, serving the United States Military Academy, West Point, NY.

HG-6-79 (Special Certificate—Used Household Goods), filed May 4, 1979. Applicant: NAUM MOVING & STORAGE CO., INC., 5994 Wilbur Road, East Syracuse, NY 13057. Representative: Gingold & Gingold, 824 University Bldg., Syracuse, NY 13202. Authority sought: Between points in Onandaga, Madison, Oswego, Cortland, Cayuga, Oneida, Lewis, Jefferson, and St. Lawrence Counties, NY, serving Hancock Air Force Base, Syracuse, NY, and Griffis Air Force Base, Rome, NY.

HG-7-79 (Special Certificate—Used Household Goods), filed May 8, 1979. Applicant: SECURITY WAREHOUSES, INC., 40 Robert Pitt Drive, Monsey Drive, NY 10952. Representative: Alvin Altman, 888 Seventh Ave., New York, NY 10019. Authority Sought: Between points in Dutchess, Orange, Putnam, Rockland, Ulster, and Westchester Counties, NY, and Fairfield County, GT, serving the United States Military Academy, West Point, NY.

HG-8-79 (Special Certificate—Used Household Goods), filed May 17, 1979. Applicant: UNITED MOVING AND STORAGE, INC. OF DAYTON, 1728 Troy St., Dayton, OH 45404. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Authority Sought: (1) Between points in Allen, Auglaise, Butler, Champaign, Clark, Clinton, Darke, Defiance, Fayette, Fulton, Greene, Hancock, Highland, Harden, Henry, Logan, Mercer, Miami, Montgomery, Paulding, Preble, Putnam, Shelby, Van Wert, Warren, and Williams Counties, OH, serving Wright-Patterson Air Force Base, OH, and (2) between points in Adams, Brown, Clermont, and Hamilton Counties, OH, and Anderson, Bath, Bell, Boone, Burbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallitan, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitely, Wolfe, and Woodford Counties, KY, serving Red River Army Depot, Texarkana, TX.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-16075 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 85]

Motor Carrier Temporary Authority Applications

May 22, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 3854 (Sub-49TA), filed April 17, 1979. Applicant: BURTON LINES, INC., P.O. Box 11306 East Durham Station, Durham, NC 27703. Representative: G.E. Martin, Jr., 815 Ellis Road, Durham, NC 27703. *Composition board, insulating boards and building materials* from the facilities of Celotex Corporation at Pennsauken, NJ to points in AL, FL, GA, KY, NC, SC, TN, and WV for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): Jim Walter Corporation 1500 North Dale Mabry Highway, Tampa, FL 33607. Send protests to: Mr. Archie W. Andrews, District Supervisor, ICC, P.O. Box 26896, Raleigh, NC 27611.

MC 14215 (Sub-35TA), filed April 13, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Iron and steel and iron and steel articles,* from Beaver Falls, PA to points in CT, GA, IN, IL, KY, NC, NJ, OH, SC, TN, VA, and the lower peninsula of MI, for 180 days. Supporting shipper(s): Moltrup Steel Products Company, P.O. Box 331, Beaver Falls, PA 15010. Send protests to: J. A. Niggemyer, DS, 416 Old P.O. Bldg., Wheeling, WV 26003.

MC 59655 (Sub-21TA), filed April 23, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *(1) Glass containers and (2) materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures (except commodities in bulk),* between points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, and DC. Restricted to the transportation of traffic originating at or destined to the facilities and warehouse sites of National Bottle Company located in the above-described territory, for 180 days. Supporting shipper(s): National Bottle Company, One Bala Cynwyd Plaza, Bala Cynwyd, PA 19004. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 98614 (Sub-8TA), filed April 2, 1979. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Petroleum and petroleum products, in bulk, from Union, Ouachita, and Calhoun Counties, AR to points in LA (except New Orleans and its commercial zone) for 180 days. An underlying ETA

seeks 90 days authority. Supporting shipper(s): Gasoline Marketers, Inc., 6301 Centennial Blvd., Nashville, TN 37202; Southern Farmers Association, P.O. Box 5489, North Little Rock, AR 72119. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 107295 (Sub-917TA), filed April 11, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Richard Vollmer, (same address as applicant). Common Irregular: *Commodities* (except in bulk) used in the manufacture and distribution of building materials as described in Appendix VI of the report in Descriptions in Motor Carrier Certificates 61 MCC 209, and wall board, hardboard, insulation and padding and cushioning materials, mulch firewood, and nonwoven fibers from points in AL, AK, FL, GA, IL, IN, KS, LA, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, WI to the plantsite of Conwed Corporation at Cloquet, MN, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Conwed Corporation, Cloquet, MN 55720. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, Room 414, Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 107515 (Sub-1228TA), filed March 21, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Richard M. Tettelbaum, Serby & Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Such commodities as are dealt in by drug stores and cosmetic dealers (except commodities in bulk), in vehicles equipped with mechanical refrigeration,* from facilities of Clairol, Inc., at or near Stamford, CT, to Camarillo and LaMirada, CA; Atlanta, GA; Chicago, IL; Indianapolis, IN; Portland, OR; and Dallas, TX, and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clairol, Inc., One Blachley Rd., Stamford, CT 06901. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St., NW, room 300, Atlanta, GA 30309.

MC 107515 (Sub-1229TA), filed March 22, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby & Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326. *Canned foodstuffs, in mechanically refrigerated equipment,* from facilities of Glorietta Foods, at or near Hollister, Oakland and San Jose, CA to points in IL, IN, IA, KS, MN, MO, NE, NY, OH, PA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glorietta Foods, P.O. Box 5040, San Jose, CA 95150. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1230TA), filed April 5, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Serby & Mitchell, 3390 Peachtree Rd., NE., Suite 520, Atlanta, GA 30326. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except commodities in bulk) as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 when moving in mechanically refrigerated vehicles* from the facilities of or utilized by Oscar Mayer & Co., Inc. at Madison, WI to Los Angeles, CA and points in its Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Sara K. Davis, TA, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 111274 (Sub-41TA), filed April 18, 1979. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 356, RR No. 2, Morton, IL 61550. Representative: Elmer C. Schmidgall (same address as applicant). Contract irregular: *Milk and milk products and containers* for same (except in bulk, in tank vehicles) between Peoria, IL and Logansport, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Producers Dairy Division of Prairie Farms Dairy, Inc., 2000 North University, Peoria, IL 61601. Send Protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, Room 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 115654 (Sub-143TA), filed April 12, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Hank Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. NW., Washington, DC 20004. *Foodstuffs, and materials, supplies, ingredients, and equipment used in the manufacture of frozen foods,* between the facilities of Morton Frozen Foods, at or near Russellville and Searcy, AR on the one hand, and, on the other, points in AL, GA, IL, IN, KY, MI, MS, OH, TN, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morton Frozen Foods Division, ITT Continental Baking Co., Inc., One Morton Drive, Charlottesville, VA 22906. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 117815 (Sub-297TA), filed April 5, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. Twentieth St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. (1) *Meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and (2) *Foodstuffs* when moving mixed loads with articles listed in (1) above, from the facilities of Oscar Mayer & Co. at or near Madison, WI to Goodlettsville, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co. Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117815 (Sub-298TA), filed April 6, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50309. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Materials, equipment and supplies used by canning factories and frozen food manufacturers* (except commodities in bulk), from points in IL, IN, IA, KS, MI, MO, NE, and WI and Memphis, TN and Fargo, ND and points in their respective commercial zones to the facilities of Jeno's, Inc. at Duluth, MN and its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jeno's, Inc., 525 Lake Ave. South, Duluth, MN 55801. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117815 (Sub-299TA), filed April 6, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Such commodities as are dealt in by wholesale and retail food and drug outlets* (except commodities in bulk), from the facilities of Procter & Gamble Distributing Company at Iowa City and Riverdale, IA and their respective commercial zones to Kansas City and

Topeka, KS and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117815 (Sub-300TA), filed April 13, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Paper, paper products, cellulose products, and textile softeners* (except commodities in bulk) from the facilities of Procter & Gamble Paper Products at Green Bay, WI and its commercial zone to IL, IN, IA, KS, MI, MN, MO and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Procter & Gamble Paper Products Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117815 (Sub-301), filed April 20, 1979. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th St., Des Moines, IA 50317. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Paper and paper products* from the facilities of Samson-Midamerica located at Indianapolis, IN and its commercial zone to points in IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Samson-Midamerica, 8111 Zionsville, Indianapolis, IN 46268. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 120924 (Sub-8TA), filed March 16, 1979. Applicant: B & W CARTAGE CO., 2932 West 79th Street, Chicago, IL 60652. Representative: Hamlin A. Smith, 2932 West 79th Street, Chicago, IL 60652. *Auto parts,* NOI, between Chicago, IL and Detroit, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chrysler Corporation, P.O. Box 1976, Detroit, MI 48288. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 121664 (Sub-71TA), filed April 11, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. *Roofing and roofing materials,* from Holt, Al, and its commercial zone, to points in MS, TN, KY, GA, NC, SC, FL, AL, LA, AR, VA, MO, IL, and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Warrior Roofing Manufacturing Co., Inc., P.O. Box 3161, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 123115 (Sub-21TA), filed April 26, 1979. Applicant: PACKER TRANSPORTATION CO., 465 South Rock Boulevard, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Fiberglass Ceiling Tile* from the facilities of Owens-Corning Fiberglas Corp. at St. Helens, OR to points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: W. J. Huetig, D.S., I.C.C. 203 Federal Building, 705 North Plaza St., Carson City, NV 89701.

MC 123255 (Sub-204 TA), filed February 27, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Kitchen cabinets; vanities and related articles used in the installation thereof* from the facilities of Delmar Corporation a division of Triangle Pacific Corporation at or near Union City, IN to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and the District of Columbia for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delmar Corporation, a Division of Triangle Pacific Corporation, 4255 LBJ Freeway, Dallas, Texas 75234. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 123255 (Sub-205 TA), filed March 6, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Paper and paper products (except commodities in bulk)* from the facilities of The Mead Corporation located at or near Kingsport and Gray, TN to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Mead Corporation, Courthouse Plaza. Northeast, Dayton, Ohio 45463. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 123255 (Sub-206 TA), filed March 20, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Mineral wool* (clay, rock, slag, or glass wool) from the facilities of Guardian Insulation Division of Guardian Industries, Inc. at or near Albion, Mi to points in IL, IN, IA, MI, MN, NY, OH, PA, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Guardian Insulation Division Guardian Industries, 701 N. Broadway, Huntington, IN 46750. Send protests to: ICC Wm. J. Green, Jr. Federal Bldg., 600 Arch Street, Rm. 3238, Philadelphia, PA 19106.

MC 123255 (Sub-207 TA), filed March 30, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *Glass containers and closures therefor* from Muncie, IN to Gloucester City, NJ. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ball Coprporation, 345 Sought High Street, Muncie, IN 47302. Send protests to: ICC Wm. J. Green, Jr. Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 123255 (Sub-208TA), filed March 30, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Road, Newark, Ohio 43055. Representative: C. F. Schnee, Jr., 1984 Coffman Road, Newark, Ohio 43055. *(1) Containers, container ends and closures (2) commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers, (3) materials, equipment and supplies used in the manufacture and distribution of containers, container ends and closures* (except commodities in bulk) between Lexington KY on the one hand and on the other points in the States of IL, IN, MI and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Company, American Lane, Greenwich, CT 06830. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 123375 (Sub-17TA), filed April 24, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Avenue, Murrysville, PA 15668. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. *Gypsum products* from Buchanan, NY to all points in CT, MA, NJ, PA and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific

Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: J. J. England, DS, ICC, 2111 Fed. Bldg., Pittsburgh, PA 15222.

MC 124174 (Sub-145TA), filed April 3, 1979. Applicant: MOMSEN TRUCKING CO., 13811 L St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Castings and forgings,* from points in WI, IN, and MI to Omaha, NE; Joplin, MO; and Searcy, AR, for 180 days. Supporting shipper(s): L. J. Frederick, Sperry Vickers, 6600 North 72nd St., Omaha, NE 68122. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 123885 (Sub-30TA), filed April 25, 1979. Applicant: C & R TRANSFER CO., P.O. Box 1010, Rapid City, SD 57709. Representative: Floyd E. Archer, P.O. Box 1794, Sioux Falls, SD 57101. *Machinery, and commodities which by reason of their size or weight require the use of special equipment or special handling,* from Sioux Falls, SD, to Denver and Colorado Springs, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kolman Division Athey Products Corp., P.O. Box 806, Sioux Falls, SD 57101. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 124174 (Sub-146TA), filed April 5, 1979. Applicant: MOMSEN TRUCKING CO., 13811 L St., Omaha, NE 68137. Representative: Karl E. Momsen (Same address as applicant). *Tile, facing or flooring concrete, or terrazzo tile,* from Laredo, TX to Mishawaka, IN; W. Mifflin, PA; Port Richey, Miami, and Leesburg, Fl; Minot, ND; Sioux City, IA; Denver and Colorado Springs, CO; Huntington, WV; and Fredericksburg, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Royce E. Manning, Boiardi Products Corp., 1525 Fairfield Ave., Cleveland, OH 44113; (2) David Morris, Rheinschmidt Contracting Co., 1100 Agency St., Burlington, IA 52601. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124174 (Sub-147TA), filed April 18, 1979. Applicant: MOMSEN TRUCKING CO., 13811 L St., Omaha, NE 68137. Representative: Karl E. Momsen (Same address as applicant). *Iron and steel paving joints for roadway construction purposes,* from Maquoketa, to points, in KY, OH, NC, WV, IA, IL, MO, MD, WI, IN, TX, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wady Industries, 510 E. Grove, Maquoketa, IA 52060. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124554 (Sub-34TA), filed April 4, 1979. Applicant: LANG CARTAGE CORP., 1308 S. West Ave., Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes; *Merchandise, equipment and supplies used or distributed by manufacturers of household products,* from LaCrosse, WI to points in Aitkin, Benton, Big Stone, Carlton, Chippewa, Chisago, Crow Wing, Douglas, Hennepin, Isanti, Kanabec, Lac Qui Parle, Lincoln, Lyon, Mille Lacs, Morrison, Murray, Nobles, Pine, Pipestone, Ramsey, Rock, Sherburne, St. Louis, Stevens, Swift, Todd, Washington, and Yellow Medicine Counties, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fuller Brush Co., P.O. Box 729, Great Bend, KS 67503. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124554 (Sub-35TA), filed April 26, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes; *Paper and paper products* from facilities of Bemiss-Jason Corp. at Chicago, IL to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bemiss-Jason Corp., 1100 W. Cermak Rd., Chicago, IL 60608. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 125335 (Sub-59TA), filed April 23, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Such merchandise as is dealt in by wholesale and retail paint stores and supply houses,* from Chicago, IL, to points in KS, FL, MO, IA, MN, NE, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard T Chemical Co., Inc., 10th & Washington, Chicago Heights, IL 60411. Send protests to: Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 126514 (Sub-53TA), filed April 4, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Photographic apparatus, equipment, material, supplies and products used for photographic application, manufacturing or processing (except commodities in bulk),* from Rochester, NY to San Ramon, Whittier and Hollywood, CA and Dallas, TX, (2) from Windsor, CO to San Ramon and Whittier, CA, and (3) between Windsor, CO and Rochester, NY, restricted to the transportation of shipments originating at and destined to the facilities of Eastman Kodak Company at the origins and destinations named above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 124775 (Sub-11TA), filed April 3, 1979. Applicant: HRIBAR TRUCKING, INC., 1521 Waukesha Rd., Caledonia, WI 53108. Representative: Leo Hribar, same address as applicant. *Crushed stone, in bulk, in dump vehicles,* from 3M Co., Wausau, WI to Chicago, Chicago Heights, and Waukegan, IL and Whiting, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Minnesota Mining & Mfg. Co., 3M Center, St. Paul, MN 55101. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 126305 (Sub-117TA), filed April 24, 1979. Applicant: BOYD BROTHERS TRANSPORTATION COMPANY, INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Carpenters molding, door frames and/or inside trim work with shellac in addition to prime.* Between the facilities of Hampton Hardwood Corporation, at or near Hampton and Newport News, VA, on the one hand, and, on the other, points in and east of MN, IA, NE, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hampton Hardwood Corporation, 2100 56th Street, Hampton, VA; Hampton Hardwood Corporation, P.O. Box 5109, Parkview Station, Newport News, VA 23605. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 126514 (Sub-54TA), filed April 4, 1979. Applicant: SCHAEFFER

TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Foodstuffs (except frozen foodstuffs and commodities in bulk) and materials, supplies and equipment used in the manufacture and sale thereof (except commodities in bulk),* between the facilities of Ragu Foods, Inc. at Merced, CA and Rochester, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ragu Foods, Inc., 33 Benedict Place, Greenwich CT 06830. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 126305 (Sub-118TA), filed April 12, 1979. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Lumber and wood products,* surfaced but not primed or finished, from Warren, AR, and El Paso, TX, to points in VA, for 180 days. Supporting shipper(s): Rawles, Aden Lumber Corporation, River Street, P.O. Box 269, Petersburg, VA 23803. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 128205 (Sub-74TA), filed March 23, 1979. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 South Doty Avenue, Chicago, IL 60628. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Cereal food products in bulk:* from Battle Creek, MI to Delavan, MI, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Peterson Company, P.O. Box 60, Battle Creek, MI 49016. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 126514 (Sub-55TA), filed April 9, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *(1) Such merchandise, materials, equipment and supplies as are used, manufactured or dealt in by manufacturers and distributors of paper and film products and (2) photographic materials and reproduction and duplicating products and supplies,* from S. Hadley and Holyoke, MA to Chicago, IL, Oklahoma City and Tulsa, OK and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): James River Graphics, Inc., 28 Gaylord St., So. Hadley, MA 01075. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave. Phoenix, AZ 85025.

MC 126514 (Sub-56TA), filed April 13, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 W. Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S. LaSalle St., Chicago, IL 60603. *Plastic liquid, plastic film and sheeting, chemicals, cleaning and scouring compounds, defoaming compounds, laminating machinery or parts, ink, solvents, pallets, and empty containers,* between the facilities of Thiokol/Dynachem Corp. in Orange County, CA on the one hand, and, on the other, Elmhurst, IL, Indianapolis and Terre Haute, IN, Woburn and South Hadley Falls, MA, Kearny, NJ, Farmingdale, NY, Matthews and Charlotte, NC, and Herndon, VA, restricted against the transportation of commodities in bulk, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thiokol/Dynachem Corp. P.O. Box 12047, Santa Ana, CA 92711. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 126844 (Sub-82TA), filed April 2, 1979. Applicant: R.D.S. TRUCKING CO., INC., 1713 North Main Road, Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. *Physical fitness apparatus,* (1) from Pennsauken, NJ to points in AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NY, NC, OH, OK, PA, SC, TN, VA, WV, and WI, and (2) from Seabrook, NJ to Edgewater Park and Pennsauken, NJ, for 180 days. Supporting shipper(s): General Home Products Corp., Suckle & National Highway, Pennsauken, NJ 08110. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 127524 (Sub-18TA), filed April 2, 1979. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Representative: John L Alfano, Esq. (Alfano & Aflano, P.C.), 550 Mamaroneck Avenue, Harrison, NY 10528. *Mineral oil, in bulk,* from Bayonne and Bayway, NJ to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johnson & Johnson Baby Products, 220 Centennial Avenue, Piscataway, NJ 08854. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 127524 (Sub-1TA), filed April 2, 1979. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Representative: John L Alfano, Esq. (Alfano & Aflano, P.C.), 550 Mamaroneck Avenue, Harrison, NY 10528. *Chemicals, in bulk in marinized tankwagons,* from Newark, NJ to Baltimore, MD for 180 days. Restricted to shipments having a prior or subsequent movement by water. An underlying ETA seeks 90 days authority. Supporting shipper(s): Celanese Chemical, Incorporated, 1250 West Mockingbird Lane, Dallas, TX 75247. Send protests to: Robert E. Johnston, D/S, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 127524 (Sub-20TA), filed April 9, 1979. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Representative: John L. Alfano and Roy A. Jacobs, Esqs., 550 Mamaroneck Avenue, Harrison, NY 10528. Plastic pellets, in bulk, in tank vehicles. From Edison, NJ to Avon and Cortland, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical Corporation, P.O. Box 1087R, Morristown, NJ 07960. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 127974 (Sub-16TA), filed April 17, 1979. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, N.J. 08610. Representative: Alan Kahn, Esquire, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. *Iron and steel articles,* from the facilities of United States Steel Corporation in Allegheny and Westmoreland Counties, PA to points in NJ, for 150 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08608.

MC 133315 (Sub-4TA), filed April 25, 1979. Applicant: ASBURY SYSTEM, 222 East 38th Street, Vernon, CA 90058. Representative: Howard D. Clark, same address as applicant. *Petroleum products, in bulk, in tank vehicles,* from South Gate and Carson, CA to Phoenix, AZ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): ARCO Petroleum Products Company, A Division of Atlantic Richfield Company, 505 So. Flower Street, Los Angeles, CA 90071. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 133485 (Sub-28TA), filed April 6, 1979. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminister Street, Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth Street, N.W., Washington, DC 20036. *Cobalt metal, escorted by armed guards,* between New York, NY and Muskegon, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillip Brothers, 1221 Avenue of the Americas, New York, NY 10020. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 133655 (Sub-150TA), filed April 11, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. (1) *Paper and paper products* (except commodities in bulk); and (2) *equipment materials, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk) between Azusa, Monrovia, Whittier, and Cucamonga, CA; Gainesville, GA; North Brunswick, NJ; Cleveland, Cincinnati, Painesville, and Willoughby, OH; Elmhurst, IL; Philadelphia and Quakertown, PA; Charlotte and Greensboro, NC; and Schereville, IN on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper(s): Fasson Products, 316 Highway 74, South, Peachtree City, GA 30269. Send protests to: Haskell E. Ballard, Box F-13206 Federal Building, Interstate Commerce Commission—Bureau of Operations, Amarillo, TX 79101.

MC 133975 (Sub-8TA), filed April 6, 1979. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 N.W. 36th Ave., Miami, FL 33167. Representative: Richard B. Austin, 5255 N.W. 87th Ave., Miami, FL 33178. *General commodities* (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and mobile homes) between points in Escambia, Leon, and Duval Counties, FL, on the one hand, and, on the other points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Liberty, Gulf, Gadsden, Franklin, Wakulla, Leon, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Levy, Gilchrist, Columbia, Baker, Union, Bradford, Alachua, Putnam, Flagler, St. Johns, Clay, Duval and Nassau Counties, FL restricted to traffic having an immediately prior or subsequent handling by freight forwarder for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Florida-Texas Freight, Inc., 11405 N.W. 36th Ave., Miami, FL 33167. Send protests to: Donna M. Jones, TA, ICC-BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 134405 (Sub-71TA), filed April 18, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Anhydrous ammonia,* in bulk, in tank vehicles, from Ft. Madison, IA, to points in IL and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift Agricultural Chemicals Corporation, 30 N. LaSalle, Chicago, IL 60602. Send protests to: District Supervisor, Interstate Commerce Commission, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 134405 (Sub-72TA), filed April 9, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Rubber,* from the Port of Muskogee, OK, to Ardmore, OK, restricted to the transportation of traffic having a prior movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Uniroyal Corporation, Box 1867, Ardmore, OK 73401. Send protests to: District Supervisor, Interstate Commerce Commission, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 134405 (Sub-73TA), filed April 11, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, Oklahoma 73401. Representative: Willburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, Oklahoma 73112. *Anhydrous ammmonia, in bulk, in tank vehicles* from Lake Charles, LA, to Pasadena, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fertilizer Company of Texas, Inc., P.O. Box 3444, Pasadena, Texas 77501. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office Bldg., 215 N.W. Third Street, Oklahoma City, Oklahoma 73102.

MC 135185 (Sub-39TA), filed April 25, 1979. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract:* irregular: *Paints, stains, varnishes and polyurethane finishings (except in bulk),* from the facilities of Sterling Drug, Inc., at or near Flora, IL, to the facilities of Lehn and Fink Products Co., a Division of Sterling Drug, Inc., at or near Belle Mead, NJ, for 180 days. Restricted to a transportation service to be performed under a continuing contract(s) with Lehn and Fink Products Co., a Division of Sterling Drug, Inc. An underlying ETA seeking up to 90 days operating authority has been filed. Supporting shipper(s): Lehn & Fink Products Co., A Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, NJ 07645. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 135185 (Sub-40TA), filed April 25, 1979. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Avenue, Santa Ana, CA 92705. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract:* irregular: *(1) Disinfectants and deodorant compounds (except in bulk),* from the facilities of Production Control, Inc., at or near Chicago, IL and the facilities of Cadillac Packaging at or near North Chicago, IL, to points in WA, CA, TX, NJ, FL, and OH; *(2) Cannisters,* from the facilities of Milton Can at or near Cranbury, NJ, to the facilities of Production Control, Inc., at or near Chicago, IL and the facilities of Cadillac Packaging at or near North Chicago, IL; and *(3) Sodium sulfate, in bags,* (a) from the facilities of International Salt at or near Lowland, TN, and (b) from the facilities of Prior Chemical, at or near Kings Mountain and Bessemer City, NC, to the facilities of Production Control, Inc., at or near Chicago, IL and the facilities of Cadillac Packaging at or near North Chicago, IL, restricted in parts (1), (2), and (3) to a transportation service to be performed under a continuing contract or contracts with Lehn & Fink Products Co., a Division of Sterling Drug, Inc., for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Lehn & Fink Products Co., A Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, NJ 07645. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 135524 (Sub-24TA), filed April 5, 1979. Applicant: G. F. TRUCKING COMPANY, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Road, Youngstown, OH 44509. *Lumber, lumber mill products, and wood products,* from the facilities of Potlatch Corporation located at or near Coeur d' Alene, St. Maries; Potlatch, Lewiston, Kamiah, Spalding, Jaype (near Pierce), Santa and Post Falls, ID, to all points in IN, MI, MO, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Potlatch Corporation, P.O. Box 1016, Lewiston, ID 83501. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

MC 135684 (Sub-92TA), filed April 17, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822 Representative: Ronald L. Knorowski (same address as applicant). *Starch and chemicals* (except in bulk), from the facilities of National Starch and Chemical Corp., at or near Indianapolis, IN to points in CT, MA, ME, MD, NJ, NY, PA, RI and VA, for 180 days. An underlying ETA seeks 90 days authority Supporting shipper(s): National Starch & Chemical Corp., P.O. Box 6500, Bridgewater, N.J. 08807. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08608.

MC 135874 (Sub-165TA), filed April 4, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: Paul Nelson (same address as applicant). *Fertilizer, aluminum ladders and oak barrels (all except in bulk)* from Milwaukee, WI, Warsaw, IN, and Louisville, KY to the facilities of Warner Hardware in the Minneapolis, MN Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Warners, Marketing Manager, 2745 South Lexington Avenue, St. Paul, MN 55121. Send protests to: Delores A. Poe, TA ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135874 (Sub-166TA), filed April 4, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: Paul Nelson (same address as applicant). *Frozen foods, (except commodites in bulk),* from the facilities of the Pillsbury Company in the Minneapolis, MN Commercial Zone to points in IN, OH, MI, IL, MO, KY, PA and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury Co., Frozen Foods Division, Traffic Manager, 608 2nd Avenue South, Minneapolis, MN 55402. Send protests to: Delores A. Poe, TA ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135874 (Sub-167TA), filed April 4, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: Paul Nelson (same address as applicant). *Kitchen cabinets, bathroom vanities, dehumidifiers and microwave ovens (all except in bulk)* from Sellersburg, IN, Albion, MI and Little Fern, NJ to the facilities of Menard's, Inc. at Cedar Rapids, IA, Rochester, Belgrade and St. Cloud, MN and the Minneapolis, MN Commercial Zone, and Eau Claire, LaCrosse and Wausaw, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Menard's, Inc., Merchandise Manager, Route 2, Eau Claire, WI 54701. Send protests to: Delores A. Poe, TA ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135895 (Sub-37TA), filed February 22, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenvile, MS 38701. *Paper and paper products and equipment, materials and supplies* used in the conversion, manufacture and distribution of paper and paper products (except commodities in bulk) between the facilities of Olinkraft, Inc. at or near Monroe and West Monroe, LA, on the one hand, and, on the other, points in AL, AR, GA, FL, MS, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 135895 (Sub-38TA), filed February 23, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Plastic granules, pellets and powder, and ethanolmines,* in containers (except commodities in bulk and commodities requiring special equipment) from the facilities of Dow Chemical Corp. at or near Baton Rouge and Plaquemine, LA to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical Corp., P.O. Box 150, Plaquemine, LA 70764. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 135924 (Sub-8TA), filed April 24, 1979. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein/David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Composition board* from the facilities of Abitibi Corporation, Chicago, IL to points in MN, ND, SD, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abitibi Corporation, 3250 West Big Beaver Road, Troy, MI 48084. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 136315 (Sub-70TA), filed April 24, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, Jackson, MS 39205. *Freight and passenger elevators, parts and attachments therefor* (1) between the facilities of Dover Corp./Elevator Div. DeSoto County, MS, on the one hand, and, on the other, the facilities of Dover Corp./Elevator Div., Hardeman County, TN; (2) from the facilities of Dover Corp./Elevator Div., DeSoto County, MS, and Hardeman County, TN to points in IL, IN, OH, MI, WI, IA, and MN, and (3) *materials, equipment and supplies* in the reverse direction in (2) above, (Restricted against the transportation of commodities in bulk and commodities which because of size and weight require the use of special equipment) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dover Corp Elevator Div., P.O. Box 2177, Memphis, TN 38101. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 136315 (Sub-71TA), filed April 24, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Iron and steel articles* from the facilities of Jones and Laughlin Steel Corporation located in Putnam County, Illinois to points in AR, MS, OK, TN, Kansas City, KS and Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones and Laughlin Steel Corp., Hennepin, IL 61527. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 136315 (Sub-72TA), filed April 3, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Rt. 9, Box 22–A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Adhesives,* except in bulk, from facilities of General Adhesives & Chemical Co., Davidson County, TN to points in AL, AR, GA, LA, MS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Adhesives & Chemical Co., 6100 Centennial Blvd., Nashville, TN 37202. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 136384 (Sub-16TA), filed April 6, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (same as applicant). *Foodstuffs and such other commodities as are dealt in by wholesale and retail chain and grocery houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, restricted against the transportation of commodities in bulk and against the transportation of shipments in vehicles equipped with mechanical refrigeration* between the facilities of Savannah Foods and Industries, Inc., and Transales Corporation, in Chatham County, GA, on the one hand, and, on the other, points in FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transales Corporation, P.O. Box 9177, Savannah, GA 31412. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL.

MC 136484 (Sub-17TA), filed April 3, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (same as applicant). 111. (a) Regular routes: *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), 1. Between Vidalia and Atlanta, Georgia; From Vidalia over U.S. Highway 280 to Mc Rae, thence over U.S. Highway 280 to its intersection with U.S. Highway 441, thence over U.S. Highway 441 to Madison, Georgia, thence over U.S. Highway 278 to Atlanta, Georgia, and return over the same route serving all intermediate points and the off route points of Social Circle, Porterdale, and Milstead. 2. Between Athens and Atlanta, Georgia; From Athens over U.S. Highway 29 to Atlanta and return over the same route serving all intermediate points, and the off route point of Watkinsville, Ga. 3. Between Winder and Athens, Georgia; from Winder over Georgia Highway 11 to Jefferson, thence over Georgia Highway 15 to Commerce, thence over U.S. Highway 441 to Athens, Georgia and return serving all intermediate points. 4. Between Dublin and Atlanta, Georgia; serving no intermediate points and for operating convenience only. From Dublin over Georgia Highway 257 to its intersection with Interstate 16, thence over Interstate 16 to its intersection with Interstate 75, at or near Macon, Ga., thence over Interstate 75 to Atlanta, Georgia. 5. Between Madison and Athens, Georgia, serving no intermediate points and for operating convenience only. From Madison over U.S. Highway 441 to Athens, Georgia. For 180 days. Supporting shipper(s): There are 50 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 136545 (Sub-20TA), filed April 17, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Flatbed and dropdeck trailers designed to be drawn by semi-tractors in initial movements* from Birmingham, AL; Lufkin, TX and Elizabeth, WV to the facilities of Dalke Trailer Sales at or near New Brighton, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vulcan Trailer Mfg. Co., 1321 Third St. Ensley, Birmingham, AL 35214, and Dalke Trailer Sales, 1155 Old Hwy. 8, New Brighton, MN 55112. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 136545 (Sub-21TA), filed April 2, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Structural steel tubing* from the facilities of Welded Tube Co. of America in Chicago, IL to points in the Minneapolis-St. Paul, MN Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Welded Tube Co. of America, 1855 E. 122nd St., Chicago, IL 60633. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 136545 (Sub-22TA), filed April 13, 1979. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Materials, equipment and supplies used in the manufacture and distribution of in-plant handling and processing equipment* from points in IL, IN, MI, MN, & OH to the facilities of Marquip, Inc. located at or near Phillips, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marquip, Inc., N. Airport Rd., Phillips, WI 54555. Send protests to: Gail Daugherty, Transportation Asst., ICC, Bureau of Operations, U.S. Federal Bldg & Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 136605 (Sub-102TA), filed April 24, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as Applicant). *Iron, steel and aluminum articles* from the facilities of A. M. Castle & Co. located at or near Franklin Park, IL to the facilities of A. M. Castle & Co. located at or near Los Angeles, San Francisco, and Fresno, CA and Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): A. M. Castle & Co., 3400 N. Wolf Rd., Franklin Park, IL 60131. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 136605 (Sub-104TA), filed April 18, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as Applicant). *Iron and steel articles* from the facilities of Jones and Laughlin Steel Corporation located in Hammond, IN and in the Chicago Commercial Zone in IN and IL to points in the States of WA, OR and CA, restricted to traffic originating at the named origin points, for 180 days. Supporting shipper(s): Jones and Laughlin Steel Corporation, 141 West 141st Street, Hammond, IN 46325. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138104 (Sub-78TA), filed April 16, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Clay fines,* in bulk, in tank vehicles, from points in Saline and Pulaski Counties,

AR to points in Ellis County, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texas Industries, P.O. Box 400, Arlington, TX 76011. Send protests to: James H. Berry, ROD, ICC, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 138144 (Sub-50TA), filed April 5, 1979. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Chicago, IL 60603. *Plastic pipe and accessories used in the installation thereof,* from the facilities of Johns-Manville Sales Corporation, Wilton, IA to points in IL, IN, MI, MO and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corporation, 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 138465 (Sub-6TA), filed March 29, 1979. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, FL 33830. Representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. (1) *Agricultural limestone,* in bulk, in dump vehicles, from points in Citrus and Taylor Counties, FL to points in GA on and south of U.S. Highway 280; (2) *Wet Gypsum,* in bulk, in dump vehicles, from points in Hamilton County, FL to points in GA on and south of U.S. Highway 280 and in Coffee, Covington, Dale, Geneva, Henry, and Houston Counties, AL; (3) *Superphosphate, including triple superphosphate, ammoniated and potassiated phosphate other than feed grade, but including diammonium phosphate, in bulk, in dump-type vehicles,* from points in Hamilton, Hillsborough, Manatee, and Polk Counties, FL to points in GA on and south of U.S. Highway 280 and in Coffee, Covington, Dale, Geneva, Henry, and Houston Counties, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 8 shippers. Their statments may be examined at the office listed below and Headquarters. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL #2202.

MC 139274 (Sub-6TA), filed April 2, 1979. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 419 E. Kearney, Springfield, Missouri 65803. Representative: Turner White, 910 Plaza Towers, Springfield, Missouri 65804. Contract, irregular. *Plastic jugs,* from Centralia, IL to Fresno, CA, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Service to be performed under a continuing contract or contracts with the R. T. French Company of Rochester, NY. Supporting shipper(s): R. T. French Company, 4455 East Mustard Way, Rochester, New York. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 139395 (Sub-4TA), filed April 6, 1979. Applicant: BULK TRANSIT CORPORATION, 2040 North Wilson Road, Columbus, Ohio 43228. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, Ohio 43215. *Lime* in bulk in tank vehicles from Knox County, TN to Carrollton, KY from Knox County, TN to points in OH south of U.S. Highway 30, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Williams Lime Mfg., Inc., Knoxville, TN. Send protests to: ICC, WM Jr. Green, Jr. Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 139485 (Sub-17TA), filed April 12, 1979. Applicant: TRANS CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anaheim, CA 92803. Representative: David P. Christianson, Kanpp, Grossman & Marsh, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Contract:* irregular: *(1) Foods, foodstuffs, food treating compounds; chemicals and additives (except in bulk); and advertising paraphernalia; materials, equipment, and supplies used in the manufacture, preparation, sale and distribution of commodities listed above; and (2) Commodities, the transportation of which is exempt from regulation under provisions of Section 10526 (a), (b), and (c) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above,* between the facilities used by McCormick & Company, Inc., and its subsidiaries in the United States, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): McCormick & Company, Inc., 414 Light Street, Baltimore, MD 21202. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, California 90053.

MC 140024 (Sub-147TA), filed April 5, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce (same as applicant). *Iron and Steel articles* from Farrell, PA to Clinton, Ottumwa, Des Moines and Dubuque, IA; St. Louis and St. Joseph, MO; DeWitt, NE; Paola, KS; Denver, Commerce City, Longmont, Simla and Loveland, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper: Sharon Steel Corp. P.O. Box 591, Sharon, PA 16146. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 140024 (Sub-148TA), filed April 12, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same as applicant). *Foodstuffs (except in bulk),* in mechanically refrigerated vehicles from Brockport and Holley, NY to points in IL, IN, IA, MI, OH, and PA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Curtice Burns, Inc., Lent Avenue, LeRoy, NY 14482. Send protests to: Roger L. Buchanan, ICC, 492 U.S. Customs House 721 19th St., Denver, CO 80202.

MC 141205 (Sub-14TA), filed April 27, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Contract—irregular route. *Crude oil, scrubber oil and condensate,* from Richland, Roosevelt, McCone, Prairie and Wibaux Counties, MT to Reserve Station of Portal Pipeline near Plentywood, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222. Send protests to: District Supervisor, Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 140484 (Sub-41 TA), filed April 6, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW. Washington, D.C. 20005. *Transformers and parts and accessories* (except those commodities which because of size or weight require the use of special equipment) (a) from Zanesville, OH to points in FL, GA, AL and TX and (b) from Nacogdoches, TX to points in AL, GA and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McGraw Edison, Power Systems Dvsn., P.O. Box 440, Canonsburg, PA 15317. Send protests to: Donna M. Jones, TA, ICC, BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terr., Miami, FL 33166.

MC 140484 (Sub-421 TA), filed April 12, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Malt beverages* (except in bulk, in tank vehicles) from Eden, NC, Ft. Worth, TX, and Albany, GA, on the one hand, and, on the other, Ft. Myers, FL for 180 days. Supporting shipper(s): Sunset Distributors, Inc., 3404 Cargo St., Fort Myers, FL 33901. Send protests to: Donna M. Jones, T/A, Interstate Commerce Commission, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terr., Miami, FL 33166.

MC 140615 (Sub-67 TA), filed April 5, 1979. Applicant: DAIRYLAND TRANSPORT, INC. P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence Jones, 2033 K St. NW., Washington, DC 20006. *Foodstuffs* from the facilities of Campbell Soup Co. at Napoleon, OH to points in KY, NY, PA, TN, VA, WI & WV and Chicago, IL and Camden, NJ, for 180 days. Supporting shipper(s): Campbell Soup Co., E. Maumee Ave. Napoleon, OH 43545. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 140615 (Sub-38 TA), filed April 5, 1979. Applicant: DAIRYLAND TRANSPORT, INC. P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence D. Jones, 2033 K St. NW., Washington, DC 20006. *Cheese* from Cabot, VT to Wisconsin Rapids, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brooke Bond Cheez Co., Inc., 2321 Jefferson St., Wisconsin Rapids, WI 54494. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 140615 (Sub-39TA), filed April 5, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis Brown (same address as applicant). *Canned goods* from Arlington, Augusta, Bear Creek, Belgium, Cambria, Cleveland, Clymar Durand Eagle River, Eden, Fairwater, Fond du Lac, Galesville, Gillette, Green Bay, Lodi, Lomira, Loyal, Manitowoc, Markesan, Marshfield, Mondovi, New Richmond, Oakfield Pickett, Plover, Poynette, Pulaski, Random Lake, Reedsburg, Sauk City, Seymour, Susse, Theresa, WI to points in AL, CT, DE, GA, IL, IN, IA, KS, KY, MD, MA MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VA & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Farms Cooperative, Inc., P.O. Box 311, Waupun, WI 53963. Send protests to: Gail Daugherty, TA, ICC, Bureau of Operations, U.S. Federal Bldg & Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 140615 (Sub-40TA), filed April 13, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Terrence Jones, 2033 K St., NW., Washington, DC 20006. *Lighting fixtures, and parts and accessories of lighting fixtures,* (1) from the facilities of Keystone Lighting Corp., at Bristol, PA to the commercial zones of Chicago, IL; Indianapolis, IN; Kansas City, KS; Detroit, MI; Minneapolis, MN; St. Louis, MO; Omaha, NE; Cleveland, OH and Milwaukee, WI; and (2) from the Chicago, IL commercial zone to the facilities of Keystone Lighting Corp. at Bristol, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Lighting Corp., Beaver St. & Rt. 13, Bristol, PA 19007. Send protests to: Gail Daugherty, TA, ICC, Bureau of Operations, U.S. Federal Bldg & Courthouse, 517 East Wisconsin Ave., Rm 619, Milwaukee WI 53202.

MC 141205 (Sub-15TA), filed April 26, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract-irregular-Crude oil, Scrubber oil and condensate,* from Grand County, Utah, to Chevron Pipeline injection station at Rangely, CO and the Gary Western Refinery, Fruita, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, CO 80222. Send protests to: Herbert C. Ruoff, District Supervisory, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 141205 (Sub.16TA), filed April 26, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, Utah 84147. *Contract-irregular-Crude oil, scrubber oil and condensate,* from Clay Basin, Daggett County, UT, to delivery point at North Baxter pipeline station, Rock Springs, WY, for 180 days. Supporting shipper(s): Husky Oil Company, 600 South Cherry Street, Denver, Colorado 80222. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, Colorado 80202.

MC 141774 (Sub-23TA), filed April 25, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *(1) Charcoal, charcoal briquets, vermiculite, active carbon, and hickory chip charcoal lighter fluid, and charcoal grills and accessories* between points in the States of MS, KY, AL, FL, TN, GA, NC, SC, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center, East, Atlanta, GA 30346. Send protests to: Mabel Holston, T/A, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 141804 (Sub-215TA), filed April 16, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Batteries, scrap batteries, parts, attachments, accessories and supplies used in connection with batteries, and equipment, materials and supplies used in the manufacture or distribution of batteries,* between the facilities of Chloride Company, Inc., located at or near Florence, MS; Columbus, GA; Raleigh, NC; Tampa, FL; and Beaverton, OR on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Chloride Incorporated, 3507 South 50th Street, Tampa, FL 33601. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 141914 (Sub-56TA), filed April 19, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, (same address as applicant). *Fruit juice concentrates or fruit juices, frozen or chilled,* (except in bulk), in vehicles equipped with mechanical refrigeration, from Ontario, CA, to points in OH, MN, IA, MO, MI, GA, AL, IL, MA, MD, VA, NC, LA, & TX, for 180 days. Supporting shipper(s): Green Spot Company, division of Capitol Food Industries, Inc., 520 Mission St., So., Pasadena, CA 91030. Send protests to: District Supervisor, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142715 (Sub-41TA), filed April 25, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *(1) Such merchandise as is dealt in by department stores; and (2) Foodstuffs in mixed loads with commodities described in (1) above (except commodities in bulk)* from points in the U.S. in and east of ND, SD, NE, CO, NM, and TX (except WI) to Green Bay, WI, restricted to traffic destined to the facilities of Shopko Stores, Inc., Green Bay, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shopko Stores, Inc., 2800 South Ashland, Green Bay, WI 54303. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-42TA), filed April 10, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Foodstuffs (except commodities in bulk)* from (1) Minneapolis and New Hope, MN to points in WI, MO, IL, IN, MI, OH, NY, PA, NJ, NC, SC, GA, AL, TN, LA and TX, restricted to traffic originating at the facilities of the Creamette Company at New Hope and Minneapolis, MN and destined to points in the named states; and (2) Fairlawn, NJ and Carnegie, PA to Minneapolis, and New Hope, MN, restricted to traffic originating at Fairlawn, NJ and Carnegie, PA and destined to the facilities of the Creamette Company at Minneapolis and New Hope, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Creamette Company, Assistant Traffic Manager, 7300 36th Avenue, New Hope, MN. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-43TA), filed April 16, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 141, South St. Paul, MN 55075. *Meat, meat products, meat by-products, articles distributed by meat packinghouses* (except hides and commodities in bulk) and *materials and supplies* used by meat packers in the conduct of their business (except commodities in bulk) between the facilities of Lauridsen Foods, Inc. at or near Britt, IA and the facilities of Armour and Company at Mason City, IA, on the one hand, and on the other, points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Restricted to transportation of shipments originating at or destined to the facilities of Lauridsen Foods, Inc., at Britt, IA and the facilities of Armour and Company at Mason City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Delores A. Poe, ICC, T/A, 414 Federal Building, U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 142864 (Sub-16TA), filed April 12, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, Ohio 43215. *Ice cream, ice cream confections, ice confections, dairy products and supplies, packaging and ingredients* used therein between Dunkirk, NY and Coshocton, OH, and from Dunkirk, NY to Detroit, MI, Ft. Wayne, IN and Pittsburgh, PA, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Dunkirk Ice Cream Company, Inc., 810 Main Street, Dunkirk, NY 14048. Send protests to: ICC, WM Jr. Green Jr. Federal Bldg., 600 Arch Street, Philadelphia, PA 19106.

MC 142935 (Sub-3TA), filed April 18, 1979. Applicant: PLASTIC EXPRESS, 2999 La Jolla Street, Anaheim, CA 92806. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. *Molybdenum concentrate, ferro molybdenum, copper crystals and fertilizer,* from the Sierrita and Exparanza mine sites of the Duval Corporation at or near Sahuarita, AZ to points in Los Angeles County, CA and Houston, TX, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Duval Corporation, P.O. Box 2967, Houston, TX 77001. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, P.O. Box 1551, Los Angeles, CA 90053.

MC 142974 (Sub-3TA), filed April 9, 1979. Applicant: SURE TRANSPORT, INC., Industrial Center—P.O. Box G, Lincoln, RI 02865. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Contract-irregular, *Toilet preparations, drugs, medicines, hospital supplies* and *such commodities as are dealt in by a manufacturer of health and beauty products,* and *materials and supplies used in the manufacture and distribution of such commodities,* between the facilities of Chesebrough-Pond's at Clinton, CT, on the one hand, and, on the other, the facilities of Chesebrough-Pond's Inc., located at Stone Mountain, GA, Los Angeles, CA, Houston, TX, Monticello and Lafayette, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Chesebrough-Pond's Inc., John Street, Clinton, CT 06413. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903..

MC 143594 (Sub-7TA), filed April 12, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 5078, Atlanta, GA 30302. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Liquid chemicals, in bulk, in tank vehicles* between the facilities of Callaway Chemical Company at Columbus, GA on the one hand, and, on the other, points in AR, KY, LA, MS, NC, SC, TN, and VA for 180 days. Supporting Shipper(s): Callaway Chemical Company, P.O. Box 2335, Columbus, GA 31902. Send protests to: Sara K. Davis TA, ICC 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 143995 (Sub-16TA), filed April 12, 1979. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Drive, Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Contract authority. *Materials, ingredients and supplies* used in the manufacture, distribution and sale of such merchandise as is dealt in by wholesale, retail and chain grocery and feed business houses, from points in IL, IN, MO and OH, to Clinton and Davenport, IA, (except in bulk) under continuing contracts with Ralston Purina Company. Restricted to traffic originating at or destined to the facilities of Ralston Purina Company for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 143594 (Sub-8TA), filed April 16, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 5078, Atlanta, GA 30302. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Chemicals, in bulk, in tank vehicles* from the facilities of Georgia Pacific Corporation at or near Plaquemine, LA to Crossett, El Dorado, Little Rock, Malvern, and Ashdown, AR; Lufkin, TX; Memphis, TN; Taylorsville and Louisville, MS; Valliant, OK; Russellville, SC; Conway, NC; Brewton, AL; and Palatka, FL, for 180 days. Supporting Shipper(s): Georgia Pacific

Corporation, P.O. Box 629, Plaquemine, LA 70764. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 144234 (Sub-3TA), filed April 12, 1979. Applicant: PDV CARTAGE, INC., Minonk, IL 61760. Representative: Douglas G. Brown, The INB Center—Suite 555, Springfield, IL 62701. *Sulphuric acid,* from the plant site at Swift & Co., in Calumet City, IL to points and places in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s); American Cyanamid Co., Berdan Avenue, Wayne, NJ. Send Protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, Leland Office Building—Rm. 414, 527 E. Capitol Ave., Springfield, IL 62701.

MC 146794 (Sub-1TA), filed April 20, 1979. Applicant: PACIFIC NORTHWEST CONTRACT CARRIERS, INC., 3010 N. Jackson Highway, Sheffield, AL 35660. Representative: Nick I. Goyak, 555 Benjamin Frankling Plaza, 1 SW Columbia, Portland, OR 97258. Contract, irregular: *Trailer axles, and parts, suspensions, landing gears, fifth wheels, hitches, and parts thereof, and mechanical refrigeration units,* from Detroit, Lansing and Holland, MI; Chicago, IL; Winamac and Lebanon, IN; Siloam Springs, AR; Montgomery, AL; Denmark, SC; Louisville, GA and Springfield, MO; to Billings, MT; Powell, WY; Salt Lake City, UT; Wilbur, Redmond, Bend and Portland, OR; Seattle, Moses Lake, Spokane and Wilbur, WA and Boise and Buhl, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Standard Parts & Equipment Co., 5251 SE McLoughlin Blvd., Portland, OR 97202. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616 – 2121 Building, Birmingham, AL 35203.

MC 146954 (Sub-1TA), filed April 16, 1979. Applicant: EDGAR'S GARDEN CENTER, INC., Route 38, Mount Holly, N. J. 08060. Representative: Robert M. Dangel, One Centennial Square, E. Euclid Avenue, Haddonfield, N. J. 08033. *Contract carrier:* irregular routes: *Paint trays/sets; can ends; composite cans,* from Lumberton, NJ to points in PA, NJ and NY, for 180 days. Supporting Shipper(s): Burlington Metal Products, Inc., P.O. Box 146, Lumberton, N. J. 08046. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N. J. 08608.

MC 147125TA, filed March 19, 1979. Applicant: FRONTIER TRANSPORT, INC., P.O. Box 15751, Salt Lake City, UT 84115. Representative: Byron Thomas (same address as applicant). Contract carrier, irregular route, *Iron or steel grinding balls,* in bulk, from the facilities of CF&I Steel Corporatioin at or near Pueblo, CO to Kennecott Copper Corporation, Magna, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kennecott Copper Corporation, P.O. Box 16600, Salt Lake City, UT 84116. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147134TA), filed March 21, 1979. Applicant: CHARLES JOINER, 104 South Central, Tennille, GA 31087. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier, irregular routes, insulators and parts* from Sandersville, GA, to all points in the United States, under a continuing contract with Lapp Insulator Division of Interpace Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lapp Insulator Division of Interpace Corporation, P.O. Box 776, Sandersville, GA 31082. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 147145TA), filed April 27, 1979. Applicant: James R. Anderson d.b.a., ANDERSON & SONS TRUCKING, 3395 Indian Lane, Reno, NV 89506. Representative: James R. Anderson, Jr. (same as applicant). *General Commodities* (except commodities in bulk, in tank vehicles) between Reno and Sparks, NV on the one hand and on the other, San Francisco, San Mateo, Santa Clara, Contra Costa, Alameda and Sacramento Counties, CA., for 180 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: W. J. Huetig, D.S., I.C.C., 203 Federal Building, 705 N. Plaza St., Carson City, NV 89701.

MC 142114 (Sub-6TA), filed February 27, 1979, and published in Federal Register issue of April 9, 1979, and republished as corrected this issue. Applicant: Retail Express, Inc., 9 Stuart Road, Chelmsford, MA 01824. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Contract irregular: Such commodities as are dealt in by retail department stores (except commodities in bulk and frozen foodstuffs), between points in CT, DE, IN, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, TN, and VA, for 180 days. Supporting shipper(s): King's Department Stores, Inc., 150 California Street, Newton, MA 02158. Send protests to: Glenn Eady, ICC, 150 Causeway Street, Room 501, Boston, MA 02114. The purpose of this republication is to show applicant's authority as contract.

MC 144075 (Sub-4TA), filed January 18, 1979, published in the Federal Register issue of March 6, 1979, and republished this issue. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65th Street, Cleveland, OH 44104. Representative: Brian S. Stern, Esq., 2425 Wilson Blvd., Arlington, VA 22201. The Motor Carrier Board granted authority in this proceeding on May 4, 1979, to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and the District of Columbia. This grant of authority is broader than that reflected in the Federal Register on March 6, 1979, which showed that applicant was seeking authority to transport these commodities at or near Ravenswood, WV to points in 32 States and the District of Columbia. This republication adds Florida as another destination State. The Board grant is in accordance with supporting shipper's statement.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-18076 Filed 6-8-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 113
Monday, June 11, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-226, Amdt. 7]

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the June 5, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., June 5, 1979.

PLACE: Room 1027 (Open); Room 1011 (Closed); 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1b. Proposed order to require American, TWA and United to file data on the number of seats sold at supercoach fares and total load factors in NYC-LAX/SFO markets, to file copies of advertisements of these fares, and to withhold this information from public disclosure until normal release of equivalent data. (Memo 8890, BCP)

1c. Dockets 35731 and 35686; United Air Lines $108 Transcontinental Fare—Extension of fare until July 1, 1979. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: The sudden introduction of new capacity-controlled fares raises potential for abuse. The information required to be filed by this proposed order will help the Board discover the carriers' true practices in marketing these fares. It is essential that this information be obtained from the beginning of the new fares and immediately so that the Board can take protective measures, if they are necessary. Since these matters only became apparent the end of last week, it was not possible to prepare the proposed order earlier. A delay until the next meeting, June 20, 1979, would restrict the Board's ability to correct speedily any abuses that might occur from the start of the marketing of these new fares provided for in Item 1b. Complaints to this fare were filed on Friday, June 1, 1979. The fare expires on June 17, 1979. Since no Board meeting will be held prior to the expiration date of the fare, agency business requires that the Board discuss the extension of the subject fare provided for in Item 1c at the June 5, 1979 meeting. Accordingly, the following Members have voted that agency business requires the addition of Items 1b and 1c to the June 5, 1979 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1154-79 Filed 6-7-79; 9:58 am]

BILLING CODE 6320-01-M

2

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. FR-S-1138.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 14, 1979 at 10 a.m.

CHANGE IN MEETING: The following items have been added to the open portion of the meeting:

AO 1979-25 Les Aspin, U.S. House of Representatives.
AO 1979-27 John R. White, Treasurer, Committee for Agricultural Political Education (C-TAPE).
Financial Control and Compliance Manual for Presidential Candidates.

The following item has been deleted from the open portion of the meeting: Budget Execution Report.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-1159-79 Filed 6-7-79; 3:10 pm]

BILLING CODE 6715-01-M

3

June 6, 1979

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 13, 1979.

PLACE: 825 North Capitol St., N.E. Washington, D.C. 20426, Hearing Room A.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted wihtout further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Office of Public Informaton.

Power Agenda—296th Meeting June 13, 1979, Regular Meeting (10 a.m.)

CAP-1. Project No. 1280, Red Bluff Water Power Control District.
CAP-2. Docket No. ER79-326, Central Area Power Coordination Group Pool.
CAP-3. Docket No. E-9565, *Town of Massena, New York* v. *Niagara Mohawk Power Corporation and Power Authority of the State of New York.*
CAP-4. Project No. 1904, New England Power Co.
CAP-5. Project No. 2047, Niagara Mohawk Power Co.
CAP-6. Docket Nos. ER-77-97, et al., and ER78-78, et al., New England Power Co.
CAP-7. Docket Nos. E-8911 and ER77-532, Gulf Power Co.
CAP-8. Docket Nos. ER78-166, EL78-40, EL78-42 and ER 79-22, Georgia Power Co.
CAP-9. Docket No. ER78-283, South Carolina Electric and Gas Co.
CAP-10. Docket No. ER78-463, Montaup Electric Co.

Gas Agenda—296th Meeting, June 13, 1979, Regular Meeting

CAG-1. Docket Nos. RP71-107 and RP72-127 (PGA79-2), Northern Natural Gas Co.
CAG-2. Docket Nos. RP-79-8 and RP72-32, (PGA 79-1 and 79-1A), Kansas Nebraska Natural Gas Company, Inc.
CAG-3. Docket No. RP79-2, Michgan Wisconsin Pipe Line Co.
CAG-4. Docket No. RP77-60, Michgan Wisconsin Pipe Line Co.
CAG-5. Docket Nos. RP72-122 and RP79-1 (PGA79-1A), Colorado Interstate Gas Co.
CAG-6. Docket Nos. RP72-6 and RP76-38 (Storage), El Paso Natural Gas Co.
Docket Nos. CP76-87, CP77-289 and CP78-172 (J & R Issues), El Paso Natural Gas Co.
CAG-7. Docket Nos. CI79-282, CI-79-284 and CI79-285, Tenneco Exploration, Ltd.
Docket No. CI79-283, Tenneco Exploration II, Ltd.
Docket No. CI79-286, Tenneco Oil Co.

CAG–8. Docket No. CI78–627, Columbia Gas Developement Corp.
CAG–9. Docket No. AR64–2, Texaco, Inc. and Tennessee Gas Pipeline Co., A Division of Tenneco Inc.
CAG–10. Docket No. CI68–815, Phillips Petroleum Co.
CAG–11. Docket No. CI78–1005, Phillips Petroleum Co.
CAG–12. Docket No. CI78–1030, The Superior Oil Co.
CAG–13. Docket Nos. CI78–561, et al., Transco Exploration Co. et al.
CAG–14. Docket No. CP9–128, Colorado Interstate Gas Co.
CAG–15. Docket No. CI79–264, Bruce Calder, Inc.
CAG–16 Texas Eastern Transmission Corp.
CAG–17. Docket No. CP78–262, Sea Robin Pipeline Co., United Gas Pipe Line Co., Southern Natural Gas Co. and Natural Gas Pipeline Co. of America
CAG–18. Docket No. CP79–219, Transcontinental Gas Pipe Line Corp.
CAG–19. Docket No. CP79–155, El Paso Natural Gas Co; Docket No. CP79–243, Arkansas Louisiana Gas Co.
CAG–20. Docket No. CP78–55 Consolidated Gas Supply Corp.
CAG–21. Docket No. CP72–9, Arkansas Louisiana Gas Co; Docket No. CP72–15, Cities Service Gas Co.
CAG–22. Docket No. CP79–238, Texas Eastern Transmission Corp.

Miscellaneous Agenda—296th Meeting, June 13, 1979, Regular Meeting

CAM–1. 404 Referral—Notice of Proposed Withdrawal by DOE from General Public Sale of the Isotope Lithium-7 in the Lithium Hydroxide Monohydrate, Enriched to an Isotopic Purity of 99.9% or Greater.
CAM–2. 404 Referral—Notice of Proposed Increase in the Price of Americium-241.
CAM–3. Docket No. OR78–11 (ICC Docket No. 36553), *Kerr-McGee Refining Corporation* v. *Texoma Pipe Line Company, et al.*
CAM–4. Docket No. RM79– , Removal of Chapter X From 18 CFR Administrator, Emergency Natural Gas Act.
CAM–5. Docket No. RA79–26, Stephens & Cass.
CAM–6. Consolidated Gas Supply Corp.

Power Agenda—296th Meeting, June 13, 1979, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2216, Power Authority of the State of New York.

II. Electric Rate Matters

ER–1. Docket Nos. E–7796 and E–7777 (Phase II), Pacific Gas and Electric Co.
ER–2. Docket Nos. ER76–90 and ER76–445, Boston Edison Co.
ER–3. Docket No. EL79–15, Kentucky Utilities Co.
ER–4. Docket Nos. ER76–149 and E–9537, Public Service Co. of Indiana.

Miscellaneous Agenda—296th Meeting, June 13, 1979, Regular Meeting

M–1. Reserved.
M–2. Reserved.
M–3. Proposed Amendment to DOE Procedural Regulations Regarding Stays.
M–4. Docket No. RM79– , Delegation of the Commission's Authority to Various Office Directors.
M–5. Docket No. RM79–3, Final Regulations Implementing the Natural Gas Policy Act of 1978.
M–6. Notice of Well Category Determination by State of Louisiana (JD79–3446 and JD79–3449).
M–7. Notice of Well Category Determination by Louisiana State Office on Conservation (JD79–3495).
M–8. Docket No. RA79–7, McCulloch Gas Processing Corp.
M–9. Docket No. OR79–1, Williams Pipeline Co.

Gas Agenda—296th Meeting, June 13, 1979, Regular Meeting

I. Pipeline Rate Matters

RP–1. Docket No. RP75–74, Transwestern Pipeline Co.
RP–2. Docket No. RP72–133 (PGA 77–2), United Gas Pipe Line Co.
RP–3. Docket Nos. RP72–154 (PGA 78–1), RP76–115 (AP 78–1) and RP72–74 (DCA 78–1), Northwest Pipeline Corporation
RP–4. Docket No. RP74–97 (PGA 78–1), Montana-Dakota Utilities Company
RP–5. Docket No. RP78–12, East Tennessee Natural Gas Company

II. Producer Matters

CI–1. Docket No. RP77–13, Arkansas Louisiana Gas Co.
CI–2. Docket Nos., AR64–2, et al., Ginter, Warren & Co. (Texas Gulf Coast Area).

III. Pipeline Certificate Matters

CP–1. Docket Nos. CP76–492 and CP77–644, National Fuel Gas Supply Corp. and National Gas Storage Corp. Docket Nos. CP77–569, CP77–570 and CP77–571, Tennessee Gas Pipeline Company, a division of Tenneco, Inc.
CP–2. Docket Nos. CP77–421, CP79–15, CP79–44, CP79–49, CP79–51 and CP79–69, Transcontinental Gas Pipe Line Corporation. Docket Nos. CP77–324, CP77–548 and CP78–117, Texas Eastern Transmission Company. Docket Nos. CP77–321, CP78–241 and CP79–73, Southern Natural Gas Company. Docket Nos. CP77–566, Transcontinental Gas Pipe Line Corporation and Michigan Wisconsin Pipe Line Company. Docket Nos. CP77–592 and CP77–639, Trunkline Gas Company. Docket No. CP78–246, Texas Gas Transmission Company. Docket No. CP78–68, Florida Gas Transmission Company.
CP–3. Docket No. CP77–267, Mid-Louisiana Gas Co. and Transcontinental Gas Pipe Line Corp.
CP–4. Docket No. CP79–133, ONG Western Inc.
CP–5. Docket Nos. CP75–140, et al., Pacific Alaska LNG Co., et al. Docket Nos. CP74–160, et al., Pacific Indonesia LNG Co., et al. Docket No. CI78–453, Pacific Lighting Gas Development Co. Docket No. CI78–452, Pacific Simpco Partnership.

Kenneth F. Plumb,
Secretary.

[S–1156–79 Filed 6–7–79; 11:34 am]
BILLING CODE 6740–02–M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., June 14, 1979.

PLACE: 1700 G Street, N.W., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202–377–6677).

MATTERS TO BE CONSIDERED:

Application for Bank Membership and Insurance of Accounts—Tokay Savings & Loan Association, Lodi, California.
Branch Office Application—Midwest Federal Savings & Loan Association, Minot, North Dakota.
Consideration of Designation of Roger Williams as Supervisory Agent.
Application for Bank Membership and Insurance of Accounts—Farmers Savings & Loan Association, Dixon, California.
Consideration of Request for a Commitment to Insure Accounts—Dale Hollow Savings & Loan, Livingston, Tennessee.
Application for Bank Membership and Insurance of Accounts—San Marino Savings & Loan Association, San Marino, California.
Branch Office Application—Beverly Hills Federal Savings & Loan Association, Beverly Hills, California.
Change of Name Application—Home Federal Savings & Loan Association of LaFayette, LaFayette, Alabama.
Preliminary Application for Conversion into a Federal Mutual Association—Wilkes Savings & Loan Association, Wilkesboro, North Carolina.
Branch Office Application—First Federal Savings & Loan Association of Wooster, Wooster, Ohio.
Preliminary Appliation for Conversion to Federal Mutual Charter—Home Savings & Loan Association, Greenville, North Carolina.
Limited Facility Application—State Federal Savings & Loan Association, Beatrice, Nebraska.
Consideration of Rules and Regulations and Related Forms To Implement the Bank Board's Authority To Charter, Examine and Regulate Mutual Savings Banks.
Consideration of Revision and Simplification of the Branch Office Regulations.
Consideration of Regulation Regarding 100-Mile Restriction on Branching.
Consideration of Regulation Regarding Washington, D.C. SMSA Branching.
Consideration of Regulations Regarding 3–4 Family 90 percent Loans.
Consideration of Proposed Policy for Coordination of Resources To Implement CRA.

Consideration of Regulations Regarding Reduction in Reporting Requirements.
Consideration of Regulations Regarding Transactions with Affiliated Persons.

[S-1157-79 Filed 6-7-79 2:52 pm]
BILLING CODE 6720-01-M

5

June 7, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., June 14, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

Southern Ohio Coal Co., VINC 79-98. (Petition for Interlocutory Review.)
Local Union No. 5249, *UMWA* v. *Consolidation Coal Co.*, MORG 79-13.
Consolidation Coal Co., HOPE 76-208, IBMA No. 76-94. (Request for voluntary dismissal of appeals.)
Karst-Robbins Coal Co., BARB 74-378-P, IBMA No. 76-95. (Request for voluntary dismissal of appeal.)
Mathies Coal Co., PITT 77-13-P, IBMA No. 77-29. (Request for voluntary dismissal of appeal.)
Helen Mining Co., PITT 77-5 and 77-6, IBMA No. 77-31. (Request for voluntary dismissal of appeal.)
Harman Coal Co., PITT 76X263, IBMA No. 77-55. (Request for voluntary dismissal of appeal.)
Consolidation Coal Co., VINC 77-65 and 77-66, IBMA No. 77-59. (Request for voluntary dismissal of appeal.)

CONTACT PERSON FOR MORE INFORMATION: Joanne Kelley, 202-653-5632.

[S-1160-79 Filed 6-7-79; 3:35 pm]
BILLING CODE 6820-12-M

6

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 32336 (6/5/79).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, June 12, 1979.

CHANGES IN THE MEETING: In deliberations held June 7, 1979, the Commission, by unanimous consent, voted to change the schedule with respect to items 7 and 8 as follows:

7. Multicellular plastic film (Inv. 337-TA-54)—Briefing (in the morning session) and vote (at 2 p.m.).
8. Carbon steel plate from Poland (Inv. AA1921-203)—Briefing (in the morning session) and vote (at 2 p.m.).

Commissioners Alberger, Moore, Bedell, and Stern determined by unanimous consent that Commission business requires the change in the schedule for these agenda items, and affirmed that no earlier announcement of the change to the agenda was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Parker was not present for the vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, 202-523-0161.

[S-1158-79 Filed 6-7-79; 3:02 pm]
BILLING CODE 7020-02-M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: 44 FR 31799, June 1, 1979/to be published.

STATUS: Closed meeting; open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Tuesday May 29, 1979/Friday, June 1, 1979.

CHANGES IN THE MEETING: Rescheduling; Deletion; Addition.

The closed meeting to be held on Tuesday, June 5, 1979, after the 10 a.m. open meeting has been rescheduled for Wednesday, June 6, 1979 at 9 a.m.

The following items were not considered at a closed meeting scheduled for Wednesday, June 6, 1979 at 9 a.m. and has been rescheduled for Tuesday, June 12, 1979, at 10 a.m.:

Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.

The following item will not be considered at an open meeting scheduled on Wednesday, June 6, 1979, at 2:30 p.m.:

Oral argument on application for review by Cook & Co., Inc., L. Howard Cook, and Edmund C. H. Hyun of adverse decisions by the National Association of Securities Dealers, Inc. For further information, please contact R. Moshe Simon at (202) 755-1530.

The following item will not be considered at a closed meeting scheduled on Wednesday, June 6, 1979 after the 2:30 p.m. open meeting:

Post oral argument discussion.

The following additional item will be considered at a closed meeting scheduled on Wednesday, June 13, 1979, after the 10 a.m. open meeting:

Institution of administrative proceedings of an enforcement nature.
Administrative proceedings of an enforcement nature.
Regulatory matter bearing enforcement implications.

The following item will be considered at an open meeting to be held on Thursday, June 14, 1979, at 2:30 p.m.:

Presentation and discussion with representatives of the Securities Industry Association regarding proposed legislation to amend the Glass-Steagall Act to permit commercial banks to underwrite state and municipal revenue bonds. For further information, please contact Michael Rogan at (202) 755-1638.

Commissioners Loomis, Evans, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Mike Rogan at (202) 755-1638.

June 6, 1979.

[S-1159-79 Filed 6-7-79; 10:17 am]
BILLING CODE 8010-01-M

8

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9:30 a.m., June 14, 1979 (Meeting No. 1220).

PLACE: The University of North Carolina-Asheville, Student Center Auditorium, University Hights, Asheville, North Carolina.

STATUS: Open.

MATTERS FOR ACTION:

Old Business

1. Final rate review.

New Business

Personnel Actions

1. Change of status for Donald W. Cramer from Acting Director of Management Systems to Director of Management Systems, Office of Management Services, Knoxville, Tennessee.*
2. Change of status for Ernest A. Belvin, Jr., from Chief, Radiological Hygiene Branch, to Acting Director, Division of Occupational Health and Safety, Office of Management Services, Muscele Shoals, Alabama.*

Consulting and Personal Services Contracts

1. Renewal of personal service contract with Kenneth D. McCasland, Knoxville, Tennessee—Appeals Officer under standard disputes clause of TVA procurement contracts.
2. Renewal of personal service contract with Kenneth L. Penegar, Knoxville,

*These items were approved by individual Board members. This would give formal ratification to the Board's action.

Tennessee—Appeals Officer under standard disputes clause of TVA procurement contracts.

3. Renewal of personal service contract with Richard S. Wirtz, Knoxville, Tennessee—Appeals Officer under standard disputes clause of TVA procurement contracts.

Purchase Awards

1. Negotiation for procurement of an atmospheric fluidized bed combustion pilot plant in lieu of formal advertising.

2. Req. No. 824692—Indefinite quantity term contract for pipe, fittings, flanges, tubing, and accessories for Yellow Creek Nuclear Plant.

3. Req. No. 108234—Galvanized structural tower steel for various transmission lines.

4. Req. No. 108204—Construction of a 24.4-mile section of the West Point-Miller 500-kV Transmission Line.

5. Req. No. 589854—Indefinite quantity term contract for welding electrodes for any TVA nuclear plant.

6. Sales Invitation No. 4048—Sale by TVA of scrap metal and scrap admiralty tubing located at Bellefonte Nuclear Plant and Power Stores, Gallatin Steam Plant.

Project Authorizations

1. No. 3430—Installation of coal ignition and load supplement system at Bull Run Steam Plant.

2. No. 3158.2—Amendment to Ionizer Project at Shawnee Steam Plant (in collaboration with Electric Power Research Institute and Air Pollution Systems).

3. No. 3441—Power System Load Research Program to determine hourly load characteristics of residential, commercial, and industrial consumers at five geographic locations in the TVA power service area.

4. No. 3293.3—Amendment to solar energy research, development, and demonstration in the TVA area.

Power Items

1. Lease and Amendatory Agreement with the city of Amory, Mississippi—TVA's Amory District Substation.

2. Letter Agreement with Alabama Power Co. for Probable Delay in Completing the West Point 500-kV Interconnection at West Point, Mississippi.

3. Supplement to Memorandum Governing Power Supply to the Office of Agricultural and Chemical Development at Wilson Dam.

Real Property Transactions

1. Filing of condemnation suits.

2. Sale of spur railroad track easement affecting approximately 0.37 acre of the Gallatin Steam Plant Access railroad property in Sumner County, Tennessee—Tract XGSPRR-1RR.

3. Grant of permanent highway easement to the city of Soddy-Daisy affecting TVA's Sequoyah Nuclear Plant fee-owned temporary access road and railroad right of way in Hamilton County, Tennessee—Tract XSNPRR-3H.

Unclassified

1. Settlement of litigation brought by Webster County Coal Corp. against TVA and the Louisville & Nashville Railroad Co.*

2. Settlement of *Tennessee Valley Authority* v. *Westinghouse Electric Corporation* (Uranium Contracts Litigation).*

3. Letter agreement with Loudon County, Tennessee, covering arrangements for settlement of claims for repairs to Davis School Road necessitated by construction of Tellico Parkway.

4. Designation of Mary R. Hartman as Certifying Officer.

5. Memorandum of agreement between Tennessee Valley Authority and U.S. Environmental Protection Agency covering arrangement for coordination of environmental improvement programs.*

6. Establishment of Office of Small and Disadvantaged Business Utilization and designation of director to be responsible for implementation and execution of TVA's Small Business Program.*

7. Interagency agreement with U.S. Department of Energy for assessment of electric and magnetic field effects of 500-kV lines.

Dated: June 7, 1979.

CONTACT PERSON FOR MORE INFORMATION: James L. Bentley, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, (202) 566-1401.

[S-1161-79 Filed 6-7-79; 3:41 pm]

BILLING CODE 8120-01-M

Federal Register

Monday
June 11, 1979

Part II

Environmental Protection Agency

New Stationary Sources Performance Standards; Electric Utility Steam Generating Units

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 1240-7]

New Stationary Sources Performance Standards; Electric Utility Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These standards of performance limit emissions of sulfur dioxide (SO_2), particulate matter, and nitrogen oxides (NO_x) from new, modified, and reconstructed electric utility steam generating units capable of combusting more than 73 megawatts (MW) heat input (250 million Btu/hour) of fossil fuel. A new reference method for determining continuous compliance with SO_2 and NO_x standards is also established. The Clean Air Act Amendments of 1977 require EPA to revise the current standards of performance for fossil-fuel-fired stationary sources. The intended effect of this regulation is to require new, modified, and reconstructed electric utility steam generating units to use the best demonstrated technological system of continuous emission reduction and to satisfy the requirements of the Clean Air Act Amendments of 1977.

DATES: The effective date of this regulation is June 11, 1979.

ADDRESSES: A Background Information Document (BID; EPA 450/3-79-021) has been prepared for the final standard. Copies of the BID may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, N.C. 27711, telephone 919-541-2777. In addition, a copy is available for inspection in the Office of Public Affairs in each Regional Office, and in EPA's Central Docket Section in Washington, D.C. The BID contains (1) a summary of all the public comments made on the proposed regulation; (2) a summary of the data EPA has obtained since proposal on SO_2, particulate matter, and NO_x emissions; and (3) the final Environmental Impact Statement which summarizes the impacts of the regulation.

Docket No. OAQPS-78-1 containing all supporting information used by EPA in developing the standards is available for public inspection and copying between 8 a.m. and 4 p.m., ge a11jn0.005Monday through Friday, at EPA's Central Docket Section, room 2903B, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The docket is an organized and complete file of all the information submitted to or otherwise considered by the Administrator in the development of this rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the promulgated rule and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review [section 107(d)(a)].

FOR FURTHER INFORMATION CONTACT: Don R. Goodwin, Director, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5271.

SUPPLEMENTARY INFORMATION: This preamble contains a detailed discussion of this rulemaking under the following headings: SUMMARY OF STANDARDS, RATIONALE, BACKGROUND, APPLICABILITY, COMMENTS ON PROPOSAL, REGULATORY ANALYSIS, PERFORMANCE TESTING, MISCELLANEOUS.

Summary of Standards

Applicability

The standards apply to electric utility steam generating units capable of firing more than 73 MW (250 million Btu/hour) heat input of fossil fuel, for which construction is commenced after September 18, 1978. Industrial cogeneration facilities that sell less than 25 MW of electricity, or less than one-third of their potential electrical output capacity, are not covered. For electric utility combined cycle gas turbines, applicability of the standards is determined on the basis of the fossil-fuel fired to the steam generator exclusive of the heat input and electrical power contribution of the gas turbine.

SO_2 Standards

The SO_2 standards are as follows:

(1) Solid and solid-derived fuels (except solid solvent refined coal): SO_2 emissions to the atmosphere are limited to 520 ng/J (1.20 lb/million Btu) heat input, and a 90 percent reduction in potential SO_2 emissions is required at all times except when emissions to the atmosphere are less than 260 ng/J (0.60 lb/million Btu) heat input. When SO_2 emissions are less than 260 mg/J (0.60 lb/million Btu) heat input, a 70 percent reduction in potential emissions is required. Compliance with the emission limit and percent reduction requirements is determined on a continuous basis by using continuous monitors to obtain a 30-day rolling average. The percent reduction is computed on the basis of overall SO_2 removed by all types of SO_2 and sulfur removal technology, including flue gas desulfurization (FGD) systems and fuel pretreatment systems (such as coal cleaning, coal gasification, and coal liquefaction). Sulfur removed by a coal pulverizer or in bottom ash and fly ash may be included in the computation.

(2) Gaseous and liquid fuels not derived from solid fuels: SO_2 emissions into the atmosphere are limited to 340 ng/J (0.80 lb/million Btu) heat input, and a 90 percent reduction in potential SO_2 emissions is required. The percent reduction requirement does not apply if SO_2 emissions into the atmosphere are less than 86 ng/J (0.20 lb/million Btu) heat input. Compliance with the SO_2 emission limitation and percent reduction is determined on a continuous basis by using continuous monitors to obtain a 30-day rolling average.

(3) Anthracite coal: Electric utility steam generating units firing anthracite coal alone are exempt from the percentage reduction requirement of the SO_2 standard but are subject to the 520 ng/J (1.20 lb/million Btu) heat input emission limit on a 30-day rolling average, and all other provisions of the regulations including the particulate matter and NO_x standards.

(4) Noncontinental areas: Electric utility steam generating units located in noncontinental areas (State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Northern Mariana Islands) are exempt from the percentage reduction requirement of the SO_2 standard but are subject to the applicable SO_2 emission limitation and all other provisions of the regulations including the particulate matter and NO_x standards.

(5) Resource recovery facilities: Resource recovery facilities that fire less than 25 percent fossil-fuel on a quarterly (90-day) heat input basis are not subject to the percentage reduction requirements but are subject to the 520 ng/J (1.20 lb/million Btu) heat input emission limit. Compliance with the emission limit is determined on a continuous basis using continuous monitoring to obtain a 30-day rolling average. In addition, such facilities must monitor and report their heat input by fuel type.

(6) Solid solvent refined coal: Electric utility steam generating units firing solid solvent refined coal (SRC I) are subject

to the 520 ng/J (1.20 lb/million Btu) heat input emission limit (30-day rolling average) and all requirements under the NO_x and particulate matter standards. Compliance with the emission limit is determined on a continuous basis using a continuous monitor to obtain a 30-day rolling average. The percentage reduction requirement for SRC I, which is to be obtained at the refining facility itself, is 85 percent reduction in potential SO_2 emissions on a 24-hour (daily) averaging basis. Compliance is to be determined by Method 19. Initial full scale demonstration facilities may be granted a commercial demonstration permit establishing a requirement of 80 percent reduction in potential emissions on a 24-hour (daily) basis.

Particulate Matter Standards

The particulate matter standard limits emissions to 13 ng/J (0.03 lb/million Btu) heat input. The opacity standard limits the opacity of emission to 20 percent (6-minute average). The standards are based on the performance of a well-designed and operated baghouse or electostatic precipitator (ESP).

NO_x Standards

The NO_x standards are based on combustion modification and vary according to the fuel type. The standards are:

(1) 86 ng/J (0.20 lb/million Btu) heat input from the combustion of any gaseous fuel, except gaseous fuel derived from coal;

(2) 130 ng/J (0.30 lb/million Btu) heat input from the combustion of any liquid fuel; except shale oil and liquid fuel derived from coal;

(3) 210 ng/J (0.50 lb/million Btu) heat input from the combustion of subbituminous coal, shale oil, or any solid, liquid, or gaseous fuel derived from coal;

(4) 340 ng/J (0.80 lb/million Btu) heat input from the combustion in a slag tap furnace of any fuel containing more than 25 percent, by weight, lignite which has been mined in North Dakota, South Dakota, or Montana;

(5) Combustion of a fuel containing more than 25 percent, by weight, coal refuse is exempt from the NO_x standards and monitoring requirements; and

(6) 260 ng/J (0.60 lb/million Btu) heat input from the combustion of any solid fuel not specified under (3), (4), or (5).

Continuous compliance with the NO_x standards is required, based on a 30-day rolling average. Also, percent reductions in uncontrolled NO_x emission levels are required. The percent reductions are not controlling, however, and compliance with the NO_x emission limits will assure compliance with the percent reduction requirements.

Emerging Technologies

The standards include provisions which allow the Administrator to grant commercial demonstration permits to allow less stringent requirements for the initial full-scale demonstration plants of certain technologies. The standards include the following provisions:

(1) Facilities using SRC I would be subject to an emission limitation of 520 ng/J (1.20 lb/million Btu) heat input, based on a 30-day rolling average, and an emission reduction requirement of 85 percent, based on a 24-hour average. However, the percentage reduction allowed under a commercial demonstration permit for the initial full-scale demonstration plants, using SRC I would be 80 percent (based on a 24-hour average). The plant producing the SRC I would monitor to insure that the required percentage reduction (24-hour average) is achieved and the power plant using the SRC I would monitor to insure that the 520 ng/J heat input limit (30-day rolling average) is achieved.

(2) Facilities using fluidized bed combustion (FBC) or coal liquefaction would be subject to the emission limitation and percentage reduction requirement of the SO_2 standard and to the particulate matter and NO_x standards. However, the reduction in potential SO_2 emissions allowed under a commercial demonstration permit for the initial full-scale demonstration plants using FBC would be 85 percent (based on a 30-day rolling average). The NO_x emission limitation allowed under a commercial demonstration permit for the initial full-scale demonstration plants using coal liquefaction would be 300 ng/J (0.70 lb/million Btu) heat input, based on a 30-day rolling average.

(3) No more than 15,000 MW equivalent electrical capacity would be allotted for the purpose of commercial demonstration permits. The capacity will be allocated as follows:

Technology	Pollutant	Equivalent electrical capacity MW
Solid solvent-refined coal	SO_2	5,000–10,000
Fluidized bed combustion (atmospheric)	SO_2	400–3,000
Fluidized bed combustion (pressurized)	SO_2	200–1,200
Coal liquefaction	NO_x	750–10,000

Compliance Provisions

Continuous compliance with the SO_2 and NO_x standards is required and is to be determined with continuous emission monitors. Reference methods or other approved procedures must be used to supplement the emission data when the continuous emission monitors malfunction, to provide emissions data for at least 18 hours of each day for at least 22 days out of any 30 successive days of boiler operation.

A malfunctioning FGD system may be bypassed under emergency conditions. Compliance with the particulate standard is determined through performance tests. Continuous monitors are required to measure and record the opacity of emissions. This data is to be used to identify excess emissions to insure that the particulate matter control system is being properly operated and maintained.

Rationale

SO_2 Standards

Under section 111(a) of the Act, a standard of performance for a fossil-fuel-fired stationary source must reflect the degree of emission limitation and percentage reduction achievable through the application of the best technological system of continuous emission reduction taking into consideration cost and any nonair quality health and environmental impacts and energy requirements. In addition, credit may be given for any cleaning of the fuel, or reduction in pollutant characteristics of the fuel, after mining and prior to combustion.

In the 1977 amendments to the Clean Air Act, Congress was severely critical of the current standard of performance for power plants, and especially of the fact that it could be met by the use of untreated low-sulfur coal. The House, in particular, felt that the current standard failed to meet six of the purposes of section 111. The six purposes are (H. Rept. at 184–186):

1. The standards must not give a competitive advantage to one State over another in attracting industry.

2. The standards must maximize the potential for long-term economic growth by reducing emissions as much as practicable. This would increase the amount of industrial growth possible within the limits set by the air quality standards.

3. The standards must to the extent practical force the installation of all the control technology that will ever be necessary on new plants at the time of construction when it is cheaper to install, thereby minimizing the need for retrofit in the future when air quality standards begin to set limits to growth.

4 and 5. The standards to the extent practical must force new sources to burn high-sulfur fuel thus freeing low-sulfur fuel for use in existing sources where it

is harder to control emissions and where low-sulfur fuel is needed for compliance. This will (1) allow old sources to operate longer and (2) expand environmentally acceptable energy supplies.

6. The standards should be stringent in order to force the development of improved technology.

To deal with these perceived deficiences, the House initiated revisions to section 111 as follows:

1. New source performance standards must be based on the "best technological" control system that has been "adequately demonstrated," taking cost and other factors such as energy into account. The insertion of the word "technological" precludes a new source performance standard based solely on the use of low-sulfur fuels.

2. New source performance standards for fossil-fuel-fired sources (e.g., power plants) must require a "percentage reduction" in emissions, compared to the emissions that would result from burning untreated fuels.

The Conference Committee generally followed the House bill. As a result, the 1977 amendments substantially changed the criteria for regulating new power plants by requiring the application of technological methods of control to minimize SO_2 emissions and to maximize the use of locally available coals. Under the statute, these goals are to be achieved through revision of the standards of performance for new fossil-fuel-fired stationary sources to specify (1) an emission limitation and (2) a percentage reduction requirement. According to legislative history accompanying the amendments, the percentage reduction requirement should be applied uniformly on a nationwide basis, unless the Administrator finds that varying requirements applied to fuels of differing characteristics will not undermine the objectives of the house bill and other Act provisions.

The principal issue throughout this rulemaking has been whether a plant burning low-sulfur coal should be required to achieve the same percentage reduction in potential SO_2 emissions as those burning higher sulfur coal. The public comments on the proposed rules and subsequent analyses performed by the Office of Air, Noise and Radiation of EPA served to bring into focus several other issues as well.

These issues included performance capabilities of SO_2 control technology, the averaging period for determining compliance, and the potential adverse impact of the emission ceiling on high-sulfur coal reserves.

Prior to framing the final SO_2 standards, the EPA staff carried out extensive analyses of a range of alternative SO_2 standards using an econometric model of the utility sector. As part of this effort, a joint working group comprised of representatives from EPA, the Department of Energy, the Council of Economic Advisors, the Council on Wage and Price Stability, and others reviewed the underlying assumptions used in the model. The results of these analyses served to identify environmental, economic, and energy impacts associated with each of the alternatives considered at the national and regional levels. In addition, supplemental analyses were performed to assess impacts of alternative emission ceilings on specific coal reserves, to verify performance characteristics of alternative SO_2 scrubbing technologies, and to assess the sulfur reduction potential of coal preparation techniques.

Based on the public record and additional analyses performed, the Administrator concluded that a 90 percent reduction in potential SO_2 emissions (30-day rolling average) has been adequately demonstrated for high-sulfur coals. This level can be achieved at the individual plant level even under the most demanding conditions through the application of flue gas desulfurization (FGD) systems together with sulfur reductions achieved by currently practiced coal preparation techniques. Reductions achieved in the fly ash and bottom ash are also applicable. In reaching this finding, the Administrator considered the performance of currently operating FGD systems (scrubbers) and found that performance could be upgraded to achieve the recommended level with better design, maintenance, and operating practices. A more stringent requirement based on the levels of scrubber performance specified for lower sulfur coals in a number of prevention of significant deterioration permits was not adopted since experience with scrubbers operating with such performance levels on high-sulfur coals is limited. In selecting a 30-day rolling average as the basis for determining compliance, the Administrator took into consideration effects of coal sulfur variability on scrubber performance as well as potential adverse impacts that a shorter averaging period may have on the ability of small plants to comply.

With respect to lower sulfur coals, the EPA staff examined whether a uniform or variable application of the percent reduction requirement would best satisfy the statutory requirements of section 111 of the Act and the supporting legislative history. The Conference Report for the Clean Air Act Amendments of 1977 says in the pertinent part:

> In establishing a national percent reduction for new fossil fuel-fired sources, the conferees agreed that the Administrator may, in his discretion, set a range of pollutant reduction that reflects varying fuel characteristics. Any departure from the uniform national percentage reduction requirement, however, must be accompanied by a finding that such a departure does not undermine the basic purposes of the House provision and other provisions of the act, such as maximizing the use of locally available fuels.

In the face of such language, it is clear that Congress established a presumption in favor of a uniform application of the percentage reduction requirement and that any departure would require careful analysis of objectives set forth in the House bill and the Conference Report.

This question was made more complex by the emergence of dry SO_2 control systems. As a result of public comments on the discussion of dry SO_2 control technology in the proposal, the EPA staff examined the potential of this technology in greater detail. It was found that the development of dry SO_2 controls has progressed rapidly during the past 12 months. Three full scale systems are being installed on utility boilers with scheduled start up in the 1981–1982 period. These already contracted systems have design efficiencies ranging from 50 to 85 percent SO_2 removal, long term average. In addition, it was determined that bids are currently being sought for five more dry control systems (70 to 90 percent reduction range) for utility applications.

Activity in the dry SO_2 control field is being stimulated by several factors. First, dry control systems are less complex than wet technology. These simplified designs offer the prospect of greater reliability at substantially lower costs than their wet counterparts. Second, dry systems use less water than wet scrubbers, which is an important consideration in the Western part of the United States. Third, the amount of energy required to operate dry systems is less than that required for wet systems. Finally, the resulting waste product is more easily disposed of than wet sludge.

The applicability of dry control technology, however, appears limited to low-sulfur coals. At coal sulfur contents greater than about 1290 ng/J (3 pounds SO_2/million Btu), or about 1.5 percent sulfur coal, available data indicate that

it probably will be more economical to employ a wet scrubber than a dry control system.

Faced with these findings, the Administrator had to determine what effect the structure of the final regulation would have on the continuing development and application of this technology. A thorough engineering review of the available data indicated that a requirement of 90 percent reduction in potential SO_2 emissions would be likely to constrain the full development of this technology by limiting its potential applicability to high alkaline content, low-sulfur coals. For non-alkaline, low-sulfur coals, the certainty of economically achieving a 90 percent reduction level is markedly reduced. In the face of this finding, it would be unlikely that the technology would be vigorously pursued for these low alkaline fuels which comprise approximately one half of the Nation's low-sulfur coal reserves. In view of this, the Administrator sought a percentage reduction requirement that would provide an opportunity for dry SO_2 technology to be developed for all low-sulfur coal reserves and yet would be sufficiently stringent to assure that the technology was developed to its fullest potential. The Administrator concluded that a variable control approach with a minimum requirement of 70 percent reduction potential in SO_2 emissions (30-day rolling average) for low-sulfur coals would fulfill this objective. This will be discussed in more detail later in the preamble. Less stringent, sliding scale requirements such as those offered by the utility industry and the Department of Energy were rejected since they would have higher associated emissions, would not be significantly less costly, and would not serve to encourage development of this technology.

In addition to promoting the development of dry SO_2 systems, a variable approach offers several other advantages often cited by the utility industry. For example, if a source chose to employ wet technology, a 70 percent reduction requirement serves to substantially reduce the energy impact of operating wet scrubbers in low-sulfur coals. At this level of wet scrubber control, a portion of the untested flue gas could be used for plume reheat so as to increase plume buoyancy, thus reducing if not eliminating the need to expend energy for flue gas reheat. Further, by establishing a range of percent reductions, a variable approach would allow a source some flexibility particularly when selecting intermediate sulfur content coals. Finally, under a variable approach, a source could move to a lower sulfur content coal to achieve compliance if its control equipment failed to meet design expectations. While these points alone would not be sufficient to warrant adoption of a variable standard, they do serve to supplement the benefits associated with permitting the use of dry technology.

Regarding the maximum emission limitation, the Administrator had to determine a level that was appropriate when a 90 percent reduction in potential emissions was applied to high-sulfur coals. Toward this end, detailed assessments of the potential impacts of a wide range of emission limitations on high-sulfur coal reserves were performed. The results revealed that a significant portion (up to 30 percent) of the high-sulfur coal reserves in the East, Midwest and portions of the Northern Appalachia coal regions would require more than a 90 percent reduction if the emission limitation were established below 520 ng/J (1.2 lb/million Btu) heat input on a 30-day rolling average basis. Although higher levels of control are technically feasible, conservatism in utility perceptions of scrubber performance could create a significant disincentive against the use of these coals and disrupt the coal markets in these regions. Accordingly, the Administrator concluded the emission limitation should be maintained at 520 ng/J (1.2 lb/million Btu) heat input on a 30-day rolling average basis. A more stringent emission limit would be counter to one of the purposes of the 1977 Amendments, that is, encouraging the use of higher sulfur coals.

Having determined an appropriate emission limitation and that a variable percent reduction requirement should be established, the Administrator directed his attention to specifying the final form of the standard. In doing so, he sought to achieve the best balance in control requirements. This was accomplished by specifying a 520 ng/J (1.2 lb/million Btu) heat input emission limitation with a 90 percent reduction in potential SO_2 emissions except when emissions to the atmosphere were reduced below 260 ng/J (0.6 lb/million Btu) heat input (30-day rolling average), when only a 70 percent reduction in potential SO_2 emissions would apply. Compliance with each of the requirements would be determined on the basis of a 30-day rolling average. Under this approach, plants firing high-sulfur coals would be required to achieve a 90 percent reduction in potential emissions in order to comply with the emission limitation. Those using intermediate- or low-sulfur content coals would be permitted to achieve between 70 and 90 percent reduction, provided their emissions were less than 260 ng/J (0.6 lb/million Btu). The 260 ng/J (0.6 lb/million Btu) level was selected to provide for a smooth transition of the percentage reduction requirement from high- to low-sulfur coals. Other transition points were examined but not adopted since they tended to place certain types of coal at a disadvantage.

By fashioning the SO_2 standard in this manner, the Administrator believes he has satisfied both the statutory language of section 111 and the pertinent part of the Conference Report. The standard reflects a balance in environmental, economic, and energy considerations by being sufficiently stringent to bring about substantial reductions in SO_2 emissions (3 million tons in 1995) yet does so at reasonable costs without significant energy penalties. When compared to a uniform 90 percent reduction, the standard achieves the same emission reductions at the national level. More importantly, by providing an opportunity for full development of dry SO_2 technology the standard offers potential for further emission reductions (100 to 200 thousand tons per year), cost savings (over $1 billion per year), and a reduction in oil consumption (200 thousand barrels per day) when compared to a uniform standard. The standard through its balance and recognition of varying coal characteristics, serves to expand environmentally acceptable energy supplies without conveying a competitive advantage to any one coal producing region. The maintenance of the emission limitation at 520 ng/J (1.2 lb SO_2/million Btu) will serve to encourage the use of locally available high-sulfur coals. By providing for a range of percent reductions, the standard offers flexibility in regard to burning of intermediate sulfur content coals. By placing a minimum requirement of 70 percent on low-sulfur coals, the final rule encourages the full development and application of dry SO_2 control systems on a range of coals. At the same time, the minimum requirement is sufficiently stringent to reduce the amount of low-sulfur coal that moves eastward when compared to the current standard. Admittedly, a uniform 90 percent requirement would reduce such movements further, but in the Administrator's opinion, such gains would be of marginal value when compared to expected increases in high-sulfur coal production. By achieving a balanced coal demand within the utility sector and by promoting the development of less expensive SO_2 control technology, the final standard

will expand environmentally acceptable energy supplies to existing power plants and industrial sources.

By substantially reducing SO_2 emissions, the standard will enhance the potential for long term economic growth at both the national and regional levels. While more restrictive requirements may have resulted in marginal air quality improvements locally, their higher costs may well have served to retard rather than promote air quality improvement nationally by delaying the retirement of older, poorly controlled plants.

The standard must also be viewed within the broad context of the Clean Air Act Amendments of 1977. It serves as a minimum requirement for both prevention of significant deterioration and non-attainment considerations. When warranted by local conditions, ample authority exists to impose more restrictive requirements through the case-by-case new source review process. When exercised in conjunction with the standard, these authorities will assure that our pristine areas and national parks are adequately protected. Similarly, in those areas where the attainment and maintenance of the ambient air quality standard is threatened, more restrictive requirements will be imposed.

The standard limits SO_2 emissions from facilities firing gaseous or liquid fuels to 340 ng/J (0.80 lb/million Btu) heat input and requires 90 percent reduction in potential emissions on a 30-day rolling average basis. The percent reduction does not apply when emissions are less than 86 ng/J (0.20 lb/million Btu) heat input on a 30-day rolling average basis. This reflects a change to the proposed standards in that the time for compliance is changed from the proposed 24-hour basis to a 30-day rolling average. This change is necessary to make the compliance times consistent for all fuels. Enforcement of the standards would be complicated by different averaging times, particularly when more than one fuel is used.

Particulate Matter Standard

The standard for particulate matter limits the emissions to 13 ng/J (0.03 lb/million Btu) heat input and requires a 99 percent reduction in uncontrolled emissions for solid fuels and a 70 percent reduction for liquid fuels. No particulate matter control is necessary for units firing gaseous fuels alone, and a percent reduction is not required. The percent reduction requirements for solid and liquid fuels are not controlling, and compliance with the particulate matter emission limit will assure compliance with the percent reduction requirements.

A 20 percent (6-minute average) opacity limit is included in this standard. The opacity limit is included to insure proper operation and maintenance of the emission control system. If an affected facility were to comply with all applicable standards except opacity, the owner or operator may request that the Administrator, under 40 CFR 60.11(e), establish a source-specific opacity limit for that affected facility.

The standard is based on the performance of a well designed, operated and maintained electrostatic precipitator (ESP) or baghouse control system. The Administrator has determined that these control systems are the best adequately demonstrated technological systems of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, and nonair quality health and environmental impacts and energy requirements).

Electrostatic Precipitators

EPA collected emission data from 21 ESP-equipped steam generating units which were firing low-sulfur coals (0.4–1.9 percent). EPA evaluated emission levels from units burning relatively low-sulfur coal because it is more difficult for an ESP to collect particulate matter emissions generated by the combustion of low-sulfur coal than high-sulfur coal. None of the ESP control systems at the 21 coal-fired steam generators tested were designed to achieve a 13 ng/J (0.03 lb/million Btu) heat input emission level, however, emission levels at 9 of the 21 units were below the standard. All of the units that were firing coal with a sulfur content between 1.0 and 1.9 percent and which had emission levels below the standard had either a hot-side ESP (an ESP located before the combustion air preheater) with a specific collection area greater than 69 square meters per actual cubic meter per second (452 ft^2/1,000 ACFM), or a cold-side ESP (an ESP located after the combustion air preheater) with a specific collection area greater than 85 square meters per actual cubic meter per second (435 ft^2/1,000 ACFM).

ESP's require a larger specific collection area when applied to units burning low-sulfur coal than to units burning high-sulfur coal because the electrical resistivity of the fly ash is higher with low-sulfur coal. Based on an examination of the emission data in the record, it is the Administrator's judgment that when low-sulfur coal is being fired an ESP must have a specific collection area from about 130 (hot side) to 200 (cold side) square meters per actual cubic meter per second (650 to 1,000 ft^2 per 1,000 ACFM) to comply with the standard. When high-sulfur coal (greater than 3.5 percent sulfur) is being fired an ESP must have a specific collection area of about 72 (cold side) square meters per actual cubic meter per second (360 ft^2 per 1,000 ACFM) to comply with the standard.

Cold-side ESP's have traditionally been used to control particulate matter emissions from power plants. The problem of ESP collection of high-electrical-resistivity fly ash from low-sulfur coal can be reduced by using a hot-side ESP. Higher fly ash collection temperatures result in better ESP performance by reducing fly ash resistivity for most types of low-sulfur coal. Reducing fly ash resistivity in itself would decrease the ESP collection plate area needed to meet the standard; however, for a hot-side ESP this benefit is reduced by the increased flue gas volume resulting from the higher flue gas temperature. Although a smaller collection area is required for a hot-side ESP than for a cold side ESP, this benefit is offset by greater construction costs due to the higher quality of materials, thicker insulation, and special design provisions to accommodate the expansion and warping potential of the collection plates.

Baghouses

The Administrator has evaluated data from more than 50 emission test runs conducted at 8 baghouse-equipped coal-fired steam generating units. Although none of these baghouse-controlled units were designed to achieve a 13 Ng/J (0.03 lb/million Btu) heat input emission level, 48 of the test results achieved this level and only 1 test at each of 2 units exceeded 13 Ng/J (0.03 lb/million Btu) heat input. The emission levels at the two units with emission levels above 13 Ng/J (0.03 lb/million Btu) heat input could conceivably be reduced below that level through an improved maintenance program. It is the Administrator's judgment that baghouses with an air-to-cloth ratio of 0.6 actual cubic meter per minute per square meter (2 ACFM/ft^2) will achieve the standard at a pressure drop of less than 1.25 kilopascals (5 in. H_2O). The Administrator has concluded that this air/cloth ratio and pressure drop are reasonable when considering cost, energy, and nonair quality impacts.

When an owner or operator must choose between an ESP and a baghouse to meet the standard, it is the Administrator's judgment that

baghouses have an advantage for low-sulfur coal applications and ESP's have an advantage for high-sulfur coal applications. Available data indicate that for low-sulfur coals, ESP's (hot-side or cold-side) require a large collection area and thus ESP control system costs will be higher than baghouse control system costs. For high-sulfur coals, large collection areas are not required for ESP's, and ESP control systems offer cost savings over baghouse control systems.

Baghouses have not traditionally been used at utility power plants. At the time these regulations were proposed, the largest baghouse-controlled coal-fired steam generator for which EPA had particulate matter emission test data had an electrical output of 44 MW. Several larger baghouse installations were under construction and two larger units were initiating operation. Since the date of proposal of these standards, EPA has tested one of the new units. It has an electrical output capacity of 350 MW and is fired with pulverized, subbituminous coal containing 0.3 percent sulfur. The baghouse control system for this facility is designed to achieve a 43 Ng/J (0.01 lb/million Btu) heat input emission limit. This unit has achieved emission levels below 13 Ng/J (0.03 lb/million Btu) heat input. The baghouse control system was designed with an air-to-cloth ratio of 1.0 actual cubic meter per minute per square meter (3.32 ACFM/ft^2) and a pressure drop of 1.25 kilopascals (5 in. H_2O). Although some operating problems have been encountered, the unit is being operated within its design emission limit and the level of the standard. During the testing the power plant operated in excess of 300 MW electrical output. Work is continuing on the control system to improve its performance. Regardless of type, large emission control systems generally require a period of time for the establishment of cleaning, maintenance, and operational procedures that are best suited for the particular application.

Baghouses are designed and constructed in modules rather than as one large unit. The baghouse control system for the new 350 MW power plant has 28 baghouse modules, each of which services 12.5 MW of generating capacity. As of May 1979, at least 26 baghouse-equipped coal-fired utility steam generators were operating, and an additional 28 utility units are planned to start operation by the end of 1982. About two-thirds of the 30 planned baghouse-controlled power generation systems will have an electrical output capacity greater than 150 MW, and more than one-third of these power plants will be fired with coal containing more than 3 percent sulfur. The Administrator has concluded that baghouse control systems have been adequately demonstrated for full-sized utility application.

Scrubbers

EPA collected emission test data from seven coal-fired steam generators controlled by wet particulate matter scrubbers. Emissions from five of the seven scrubber-equipped power plants were less than 21 Ng/J (0.05 lb/million Btu) heat input. Only one of the seven units had emission test results less than 13 Ng/J (0.03 lb/million Btu) heat input. Scrubber pressure drop can be increased to improve scrubber particulate matter removal efficiencies; however, because of cost and energy considerations, the Administrator believes that wet particulate matter scrubbers will only be used in special situations and generally will not be selected to comply with the standards.

Performance Testing

When the standards were proposed, the Administrator recognized that there is a potential for both FGD sulfate carryover and sulfuric acid mist to affect particulate matter performance testing downstream of an FGD system. Data available at the time of proposal indicated that overall particulate matter emissions, including sulfate carryover, are not increased by a properly designed, constructed, maintained, and operated FGD system. No additional information has been received to alter this finding.

The data available at proposal indicated that sulfuric acid mist (H_2SO_4) interaction with Methods 5 or 17 would not be a problem when firing low-sulfur coal, but may be a problem when firing high-sulfur coals. Limited data obtained since proposal indicate that when high-sulfur coal is being fired, there is a potential for sulfuric acid mist to form after an FGD system and to introduce errors in the performance testing results when Methods 5 or 17 are used. EPA has obtained particulate matter emission test data from two power plants that were fired with coals having more than 3 percent sulfur and that were equipped with both an ESP and FGD system. The particulate matter test data collected after the FGD system were not conclusive in assessing the acid mist problem. The first facility tested appeared to experience a problem with acid mist interaction. The second facility did not appear to experience a problem with acid mist, and emissions after the ESP/FGD system were less than 13 ng/J (0.03 lb/million Btu) heat input. The tests at both facilities were conducted using Method 5, but different methods were used for measuring the filter temperature. EPA has initiated a review of Methods 5 and 17 to determine what modifications may be necessary to avoid acid mist interaction problems. Until these studies are completed the Administrator is approving as an optional test procedure the use of Method 5 (or 17) for performance testing before FGD systems. Performance testing is discussed in more detail in the PERFORMANCE TESTING section of this preamble.

The particulate matter emission limit and opacity limit apply at all times, except during periods of startup, shutdown, or malfunction. Compliance with the particulate matter emission limit is determined through performance tests using Methods 5 or 17. Compliance with the opacity limit is determined by the use of Method 9. A continuous monitoring system to measure opacity is required to assure proper operation and maintenance of the emission control system but is not used for continuous compliance determinations. Data from the continuous monitoring system indicating opacity levels higher than the standard are reported to EPA quarterly as excess emissions and not as violations of the opacity standard.

The environmental impacts of the revised particulate matter standards were estimated by using an economic model of the coal and electric utility industries (see discussion under REGULATORY ANALYSIS). This projection took into consideration the combined effect of complying with the revised SO_2, particulate matter, and NO_x standards on the construction and operation of both new and existing capacity. Particulate matter emissions from power plants were 3.0 million tons in 1975. Under continuation of the current standards, these emissions are predicted to decrease to 1.4 million tons by 1995. The primary reason for this decrease in emissions is the assumption that existing power plants will come into compliance with current state emission regulations. Under these standards, 1995 emissions are predicted to decrease another 400 thousand tons (30 percent).

NO_x Standards

The NO_x emission standards are based on emission levels achievable with a properly designed and operated boiler that incorporates combustion modification techniques to reduce NO_x formation. The levels to which NO_x emissions can be reduced with

combustion modification depend not only upon boiler operating practice, but also upon the type of fuel burned. Consequently, the Administrator has developed fuel-specific NO_x standards. The standards are presented in this preamble under Summary of Standards.

Continuous compliance with the NO_x standards is required, based on a 30-day rolling average. Also, percent reductions in uncontrolled NO_x emission levels are required. The percent reductions are not controlling, however, and compliance with the NO_x emission limits will assure compliance with the percent reduction requirements.

One change has been made to the proposed NO_x standards. The proposed standards would have required compliance to be based on a 24-hour averaging period, whereas the final standards require compliance to be based on a 30-day rolling average. This change was made because several of the comments received, one of which included emission data, indicated that more flexibility in boiler operation on a day-to-day basis is needed to accommodate slagging and other boiler problems that may influence NO_x emissions when coal is burned. The averaging period for determining compliance with the NO_x limitations for gaseous and liquid fuels has been changed from the proposed 24-hour to a 30-day rolling average. This change is necessary to make the compliance times consistent for all fuels. Enforcement of the standards would be complicated by different averaging times, particularly where more than one fuel is used. More details on the selection of the averaging period for coal appear in this preamble under Comments on Proposal.

The proposed standards for coal combustion were based principally on the results of EPA testing performed at six electric utility boilers, all of which are considered to represent modern boiler designs. One of the boilers was manufactured by the Babcock and Wilcox Company (B&W) and was retrofitted with low-emission burners. Four of the boilers were Combustion Engineering, Inc. (CE) designs originally equipped with overfire air, and one boiler was a CE design retrofitted with overfire air. The six boilers burned a variety of bituminous and subbituminous coals. Conclusions drawn from the EPA studies of the boilers were that the most effective combustion modification techniques for reducing NO_x emitted from utility boilers are staged combustion, low excess air, and reduced heat release rate. Low-emission burners were also effective in reducing NO_x levels during the EPA studies.

In developing the proposed standards for coal, the Administrator also considered the following: (1) data obtained from the boiler manufacturers on 11 CE, three B&W, and three Foster Wheeler Energy Corporation (FW) utility boilers; (2) the results of tests performed twice daily over 30-day periods at three well-controlled utility boilers manufactured by CE; (3) a total of six months of continuously monitored NO_x emission data from two CE boilers located at the Colstrip plant of the Montana Power Company; (4) plans underway at B&W, FW, and the Riley Stoker Corporation (RS) to develop low-emission burners and furnace designs; (5) correspondence from CE indicating that it would guarantee its new boilers to achieve, without adverse side-effects, emission limits essentially the same as those proposed; and (6) guarantees made by B&W and FW that their new boilers would achieve the State of New Mexico's NO_x emission limit of 190 ng/J (0.45 lb/million Btu) heat input.

Since proposal of the standards, the following new information has become available and has been considered by the Administrator: (1) additional data from the boiler manufacturers on four B&W and four RS utility boilers; (2) a total of 18 months of continuously monitored NO_x data from the two CE utility boilers at the Colstrip plant; (3) approximately 10 months of continuously monitored NO_x data from five other CE boilers; (4) recent performance test results for a CE and a RS utility boiler; and (5) recent guarantees offered by CE and FW to achieve an NO_x emission limit of 190 ng/J (0.45 lb/million Btu) heat input in the State of California. This and other new information is discussed in "Electric Utility Steam Generating Units, Background Information for Promulgated Emission Standards" (EPA 450/3-79-021).

The data available before and after proposal indicate that NO_x emission levels below 210 ng/J (0.50 lb/million Btu) heat input are achievable with a variety of coals burned in boilers made by all four of the major boiler manufacturers. Lower emission levels are theoretically achievable with catalytic ammonia injection, as noted by several commenters. However, these systems have not been adequately demonstrated at this time on full-size electric utility boilers that burn coal.

Continuously monitored NO_x emission data from coal-fired CE boilers indicate that emission variability during day-to-day operation is such that low NO_x levels can be maintained if emissions are averaged over 30-day periods. Although the Administrator has not been able to obtain continuously monitored data from boilers made by the other boiler manufacturers, the Administrator believes that the emission variability exhibited by CE boilers over long periods of time is also characteristic of B&W, FW, and RS boilers. This is because the Administrator expects B&W, FW, and RS boilers to experience operational conditions which are similar to CE boilers (e.g., slagging, variations in fuel quality, and load reductions) when burning similar fuel. Thus, the Administrator believes the 30-day averaging time is appropriate for coal-fired boilers made by all four manufacturers.

Prior to proposal of the standards several electric utilities and boiler manufacturers expressed concern over the potential for accelerated boiler tube wastage (i.e., corrosion) during low-NO_x operation of a coal-fired boiler. The severity of tube wastage is believed to vary with several factors, but especially with the sulfur content of the coal burned. For example, the combustion of high-sulfur bituminous coal appears to aggravate tube wastage, particularly if it is burned in a reducing atmosphere. A reducing atmosphere is sometimes associated with low-NO_x operation.

The EPA studies of one B&W and five CE utility boilers concluded that tube wastage rates did not significantly increase during low-NO_x operation. The significance of these results is limited, however, in that the tube wastage tests were conducted over relatively short periods of time (30 days or 300 hours). Also, only CE and B&W boilers were studied, and the B&W boiler was not a recent design, but was an old-style unit retrofitted with experimental low-emission burners. Thus, some concern still exists over potentially greater tube wastage during low-NO_x operation when high-sulfur coals are burned. Since bituminous coals often have high sulfur contents, the Administrator has established a special emission limit for bituminous coals to reduce the potential for increased tube wastage during low-NO_x operation.

Based on discussions with the boiler manufacturers and on an evaluation of all available tube wastage information, the Administrator has established an NO_x emission limit of 260 ng/J (0.60 lb/million Btu) heat imput for the combustion of bituminous coal. The Administrator believes this is a safe level at which tube wastage will not be accelerated by low-NO_x operation. In

support of this belief, CE has stated that it would guarantee its new boilers, when equipped with overfire air, to achieve the 260 ng/J (0.60 lb/million Btu) heat input limit without increased tube wastage rates when Eastern bituminous coals are burned. In addition, B&W has noted in several recent technical papers that its low-emission burners allow the furnace to be maintained in an oxidizing atmosphere, thereby reducing the potential for tube wastage when high-sulfur bituminous coals are burned. The other boiler manufacturers have also developed techniques that reduce the potential for tube wastage during low-NO_x operation. Although the amount of tube wastage data available to the Administrator on B&W, FW, and RS boilers is very limited, it is the Administrator's judgement that all three of these manufacturers are capable of designing boilers which would not experience increased tube wastage rates as a result of compliance with the NO_x standards.

Since the potential for increased tube wastage during low-NO_x operation appears to be small when low-sulfur subbituminous coals are burned, the Administrator has established a lower NO_x emission limit of 210 ng/J (0.50 lb/million Btu) heat input for boilers burning subbituminous coal. This limit is consistent with emission data from boilers representing all four manufacturers. Furthermore, CE has stated that it would guarantee its modern boilers to achieve an NO_x limit of 210 ng/J (0.50 lb/million Btu) heat input, without increased tube wastage rates, when subbituminous coals are burned.

The emission limits for electric utility power plants that burn liquid and gaseous fuels are at the same levels as the emission limits originally promulgated in 1971 under 40 CFR Part 60, Subpart D for large steam generators. It was decided that a new study of combustion modification or NO_x flue-gas treatment for oil- or gas-fired electric utility steam generators would not be appropriate because few, if any, of these kinds of power plants are expected to be built in the future.

Several studies indicate that NO_x emissions from the combustion of fuels derived from coal, such as liquid solvent-refined coal (SRC II) and low-Btu synthetic gas, may be higher than those from petroleum oil or natural gas. This is because coal-derived fuels have fuel-bound nitrogen contents that approach the levels found in coal rather than those found in petroleum oil and natural gas. Based on limited emission data from pilot-scale facilities and on the known emission characteristics of coal, the Administrator believes that an achievable emission limit for solid, liquid, and gaseous fuels derived from coal is 210 ng/J (0.50 lb/million Btu) heat input. Tube wastage and other boiler problems are not expected to occur from boiler operation at levels as low as 210 ng/J when firing these fuels because of their low sulfur and ash contents.

NO_x emission limits for lignite combustion were promulgated in 1978 (48 FR 9276) as amendments to the original standards under 40 CFR Part 60, Subpart D. Since no new information on NO_x emission rates from lignite combustion has become available, the emission limits have not been changed for these standards. Also, these emission limits are the same as the proposed.

Little is known about the emission characteristics of shale oil. However, since shale oil typically has a higher fuel-bound nitrogen content than petroleum oil, it may be impossible for a well-controlled unit burning shale oil to achieve the NO_x emission limit for liquid fuels. Shale oil does have a similar nitrogen content to coal, and it is reasonable to expect that the emission control techniques used for coal could also be used to limit NO_x emissions from shale oil combustion. Consequently, the Administrator has limited NO_x emissions from units burning shale oil to 210 ng/J (0.50 lb/million Btu) heat input, the same limit applicable to subbituminous coal, which is the same as proposed. There is no evidence that tube wastage or other boiler problems would result from operation of a boiler at 210 ng/J when shale oil is burned.

The combustion of coal refuse was exempted from the original steam generator standards under 40 CFR Part 60, Subpart D because the only furnace design believed capable of burning certain kinds of coal refuse, the slag tap furnace, inherently produces NO_x emissions in excess of the NO_x standard. Unlike lignite, virtually no NO_x emission data are available for the combustion of coal refuse in slag tap furnaces. The Administrator has decided to continue the coal refuse exemption under the standards promulgated here because no new information on coal refuse combustion has become available since the exemption under Subpart D was established.

The environmental impacts of the revised NO_x standards were estimated by using an economic model of the coal and electric utility industries (see discussion under REGULATORY ANALYSIS). This projection took into consideration the combined effect of complying with the revised SO_2, particulate matter, and NO_x standards on the construction and operation of both new and existing capacity. National NO_x emissions from power plants were 6.8 million tons in 1975 and are predicted to increase to 9.3 million tons by 1995 under the current standards. These standards are projected to reduce 1995 emissions by 600 thousand tons (6 percent).

Background

In December 1971, under section 111 of the Clean Air Act, the Administrator issued standards of performance to limit emissions of SO_2, particulate matter, and NO_x from new, modified, and reconstructed fossil-fuel-fired steam generators (40 CFR 60.40 et seq.). Since that time, the technology for controlling emissions from this source category has improved, but emissions of SO_2, particulate matter, and NO_x continue to be a national problem. In 1976, steam electric generating units contributed 24 percent of the particulate matter, 65 percent of the SO_2, and 29 percent of the NO_x emissions on a national basis.

The utility industry is expected to have continued and significant growth. The capacity is expected to increase by about 50 percent with approximate 300 new fossil-fuel-fired power plant boilers to begin operation within the next 10 years. Associated with utility growth is the continued long-term increase in utility coal consumption from some 400 million tons/year in 1975 to about 1250 million tons/year in 1995. Under the current performance standards for power plants, national SO_2 emissions are projected to increase approximately 17 percent between 1975 and 1995.

Impacts will be more dramatic on a regional basis. For example, in the absence of more stringent controls, utility SO_2 emissions are expected to increase 1300 percent by 1995 in the West South Central region of the country (Texas, Oklahoma, Arkansas, and Louisiana).

EPA was petitioned on August 6, 1976, by the Sierra Club and the Oljato and Red Mesa Chapters of the Navaho Tribe to revise the SO_2 standard so as to require a 90 percent reduction in SO_2 emissions from all new coal-fired power plants. The petition claimed that advances in technology since 1971 justified a revision of the standard. As a result of the petition, EPA agreed to investigate the matter thoroughly. On January 27, 1977 (42 FR 5121), EPA announced that it had initiated a study to review the technological, economic, and other factors needed to determine to

what extent the SO_2 standard for fossil-fuel-fired steam generators should be revised.

On August 7, 1977, President Carter signed into law the Clean Air Act Amendments of 1977. The provisions under section 111(b)(6) of the Act, as amended, required EPA to revise the standards of performance for fossil-fuel-fired electric utility steam generators within 1 year after enactment.

After the Sierra Club petition of August 1976, EPA initiated studies to review the advancement made on pollution control systems at power plants. These studies were continued following the amendment of the Clean Air Act. In order to meet the schedule established by the Act, a preliminary assessment of the ongoing studies was made in late 1977. A National Air Pollution Control Techniques Advisory Committee meeting was held on December 13 and 14, 1977, to present EPA preliminary data. The meeting was open to the public and comments were solicited.

The Clean Air Act Amendments of 1977 required the standards to be revised by August 7, 1978. When it appeared that the Administrator would not meet this schedule, the Sierra Club filed a complaint on July 14, 1978, with the U.S. District Court for the District of Columbia requesting injunctive relief to require, among other things, that the Administrator propose the revised standards by August 7, 1978 (Sierra Club v. Costle, No. 78–1297). The Court approved a stipulation requiring the Administrator to (1) deliver proposed regulations to the Office of the Federal Register by September 12, 1978, and (2) promulgate the final regulations within 6 months after proposal (i.e., by March 19, 1979).

The Administrator delivered the proposal package to the Office of the Federal Register by September 12, 1978, and the proposed regulations were published September 19, 1978 (43 FR 42154). Public comments on the proposal were requested by December 15, and a public hearing was held December 12 and 13, the record of which was held open until January 15, 1979. More than 625 comment letters were received on the proposal. The comments were carefully considered, however, the issues could not be sufficiently evaluated in time to promulgate the standards by March 19, 1979. On that date the Administrator and the other parties in Sierra Club v. Costle filed with the Court a stipulation whereby the Administrator would sign and deliver the final standards to the Federal Register on or before June 1, 1979.

The Administrator's conclusions and responses to the major issues are presented in this preamble. These regulations represent the Administrator's response to the petition of the Navaho Tribe and Sierra Club and fulfill the rulemaking requirements under section 111(b)(6) of the Act.

Applicability

General

These standards apply to electric utility steam generating units capable of firing more than 73 MW (250 million Btu/hour) heat input of fossil fuel, for which construction is commenced after September 18, 1978. This is principally the same as the proposal. Some minor changes and clarification in the applicability requirements for cogeneration facilities and resource recovery facilities have been made.

On December 23, 1971, the Administrator promulgated, under Subpart D of 40 CFR Part 60, standards of performance for fossil-fuel-fired steam generators used in electric utility and large industrial applications. The standards adopted herein do not apply to electric utility steam generating units originally subject to those standards (Subpart D) unless the affected facilities are modified or reconstructed as defined under 40 CFR 60 Subpart A and this subpart. Similarly, units constructed prior to December 23, 1971, are not subject to either performance standard (Subpart D or Da) unless they are modified or reconstructed.

Electric Utility Steam Generating Units

An electric utility steam generating unit is defined as any steam electric generating unit that is physically connected to a utility power distribution system and is constructed for the purpose of selling more than 25 MW electrical output and more than one third of its potential electrical output capacity. Any steam that is sold and ultimately used to produce electrical power for sale through the utility power distribution system is also included under the standard. The term "potential electrical generating capacity" has been added since proposal and is defined as 33 percent of the heat input rate at the facility. The applicability requirement of selling more than 25 MW electrical output capacity has also been added since proposal.

These standards cover industrial steam electric generating units or cogeneration units (producing steam for both electrical generation and process heat) that are capable of firing more than 73 MW (250 million Btu/hr) heat input of fossil fuel and are constructed for the purpose of selling through a utility power distribution system more than 25 MW electrical output and more than one-third of their potential electrical output capacity (or steam generating capacity ultimately used to produce electricity for sale). Facilities with a heat input rate in excess of 73 MW (250 million Btu/hour) that produce only industrial steam or that generate electricity but sell less than 25 MW electrical output through the utility power distribution system or sell less than one-third of their potential electric output capacity through the utility power distribution system are not covered by these standards, but will continue to be covered under Subpart D, if applicable.

Resource recovery units incorporating steam electric generating units that would meet the applicability requirements but that combust less than 25 percent fossil fuel on a quarterly (90-day) heat-input basis are not covered by the SO_2 percent reduction requirements under this standard. These facilities are subject to the SO_2 emission limitation and all other provisions of the regulation. They are also required to monitor their heat input by fuel type and to monitor SO_2 emissions. If more than 25 percent fossil fuel is fired on a quarterly heat input basis, the facility will be subject to the SO_2 percent reduction requirements. This represents a change from the proposal which did not include such provisions.

These standards cover steam generator emissions from electric utility combined-cycle gas turbines that are capable of being fired with more than 73 MW (250 million Btu/hr) heat input of fossil fuel and meet the other applicability requirements. Electric utility combined-cycle gas turbines that use only turbine exhaust gas to provide heat to a steam generator (waste heat boiler) or that incorporate steam generators that are not capable of being fired with more than 73 MW (250 million Btu/hr) of fossil fuel are not covered by the standards.

Modification/Reconstruction

Existing facilities are only covered by these standards if they are modified or reconstructed as defined under Subpart A of 40 CFR Part 60 and this standard (Subpart Da).

Few, if any, existing facilities that change fuels, replace burners, etc. will be covered by these standards as a result of the modification/reconstruction provisions. In particular, the standards do not apply to existing facilities that are modified to fire nonfossil fuels or to

existing facilities that were designed to fire gas or oil fuels and that are modified to fire shale oil, coal/oil mixtures, coal/oil/water mixtures, solvent refined coal, liquified coal, gasified coal, or any other coal-derived fuel. These provisions were included in the proposal but have been clarified in the final standard.

Comments on Proposal

Electric Utility Steam Generating Units

The applicability requirements are basically the same as those in the proposal; electric utility steam generating units capable of firing greater than 73 MW (250 million Btu/hour) heat input of fossil fuel for which construction is commenced after September 18, 1978, are covered. Since proposal, changes have been made to specific applicability requirements for industrial cogeneration facilities, resource recovery facilities, and anthracite coal-fired facilities. These revisions are discussed later in this preamble.

Only a limited number of comments were received on the general applicability provisions. Some commenters expressed the opinion that the standards should apply to both industrial boilers and electric utility steam generating units. Industrial boilers are not covered by these standards because there are significant differences between the economic structure of utilities and the industrial sector. EPA is currently developing standards for industrial boilers and plans to propose them in 1980.

Cogeneration Facilities

Cogeneration facilities are covered under these standards if they have the capability of firing more than 73 MW (250 million Btu/hour) heat input of fossil fuel and are constructed for the purpose of selling more than 25 MW of electricity and more than one-third of their potential electrical output capacity. This reflects a change from the proposed standards under which facilities selling less than 25 MW of electricity through the utility power distribution system may have been covered.

A number of commenters suggested that industrial cogeneration facilities are expected to be highly efficient and that their construction could be discouraged if the proposed standards were adopted. The commenters pointed out that industrial cogeneration facilities are unusual in that a small capacity (10 MW electric output capacity, for example) steam-electric generating set may be matched with a much larger industrial steam generator (larger than 250 million Btu/hr for example). The Administrator intended that the proposed standards cover only electric generation sets that would sell more than 25 MW electrical output on the utility power distribution system. The final standards allow the sale of up to 25 MW electrical output capacity before a facility is covered. Since most industrial cogeneration units are expected to be less than 25 MW electrical output capacity, few, if any, new industrial cogeneration units will be covered by these standards. The standards do cover large electric utility cogeneration facilities because such units are fundamentally electric utility steam generating units.

Comments suggested clarifying what was meant in the proposal by the sale of more than one-third of its "maximum electrical generating capacity". Under the final standard the term "potential electric output capacity" is used in place of "maximum electrical generating capacity" and is defined as 33 percent of the steam generator heat input capacity. Thus, a steam generator with a 500 MW (1,700 million Btu/hr) heat input capacity would have a 165 MW potential electrical output capacity and could sell up to one-third of this potential output capacity on the grid (55 MW electrical output) before being covered under the standard. Under the proposal, it was unclear if the standard allowed the sale of up to one-third of the actual electric generating capacity of a facility or one-third of the potential generating capacity before being covered under the standards. The Administrator has clarified his intentions in these standards. Without this clarification the standards may have discouraged some industrial cogeneration facilities that have low in-house electrical demand.

A number of commenters suggested that emission credits should be allowed for improvements in cycle efficiency at new electric utility power plants. The commenters suggested that the use of electrical cogeneration technology and other technologies with high cycle efficiencies could result in less overall fuel consumption, which in turn could reduce overall environmental impacts through lower air emissions and less solid waste generation. The final standards do not give credit for increases in cycle efficiency because the different technologies covered by the standards and available for commercial application at this time are based on the use of conventional steam generating units which have very similar cycle efficiencies, and credits for improved cycle efficiency would not provide measurable benefits. Although the final standards do not address cycle efficiency, this approach will not discourage the application of more efficient technologies.

If a facility that is planned for construction will incorporate an innovative control technology (including electrical generation technologies with inherently low emissions or high electrical generation efficiencies) the owner or operator may apply to the Administrator under section 111(j) of the Act for an innovative technology waiver which will allow for (1) up to four years of operation or (2) up to seven years after issuance of a waiver prior to performance testing. The technology would have to have a substantial likelihood of achieving greater continuous emission reduction or achieve equivalent reductions at low cost in terms of energy, economics, or nonair quality impacts before a waiver would be issued.

Resource Recovery Facilities

Electric utility steam generating units incorporated into resource recovery facilities are exempt from the SO_2 percent reduction requirements when less than 25 percent of the heat input is from fossil fuel on a quarterly heat input basis. Such facilities are subject to all other requirements of this standard. This represents a change from the proposed regulation, under which any steam electric generating unit that combusts non-fossil fuels such as wood residue, sewage sludge, waste material, or municipal refuse would have been covered if the facility were capable of firing more than 75 MW (250 million Btu/hr) of fossil fuel.

A number of comments indicated that the proposed standard could discourage the construction of resource recovery facilities that generate electricity because of the SO_2 percentage reduction requirement. One commenter suggested that most new resource recovery facilities will process municipal refuse and other wastes into a dry fuel with a low-sulfur content that can be stored and subsequently fired. The commenter suggested that when firing processed refuse fuel, little if any fossil fuel will be necessary for combustion stabilization over the long term; however, fossil fuel will be necessary for startup. When a cold unit is started, 100 percent fossil fuel (oil or gas) may be fired for a few hours prior to firing 100 percent processed refuse.

Other commenters suggested that resource recovery facilities would in many cases be owned and operated by a municipality and the electricity and

steam generated would be sold by contract to offset operating costs. Under such an arrangement, commenters suggested that there may be a need to fire fossil fuel on a short-term basis when refuse is not readily available in order to generate a reliable supply of steam for the contract customer.

The Administrator accepts these suggestions and does not wish to discourage the construction of resource recovery facilities that generate electricity and/or industrial steam. For resource recovery facilities, the Administrator believes that less than 25 percent heat input from fossil fuels will be required on a long-term basis; even though 100 percent fossil fuel firing [greater than 73 MW (250 million Btu/hour)] may be necessary for startup or intermittent periods when refuse is not available. During startup such units are allowed to fire 100 percent fossil fuel because periods of startup are exempt from the standards under 40 CFR 60.8(c). If a reliable source of refuse is not available and 100 percent fossil fuel is to be fired more than 25 percent of the time, the Administrator believes it is reasonable to require such units to meet the SO_2 percent reduction requirements. This will allow resource recovery facilities to operate with fossil fuel up to 25 percent of the time without having to install and operate an FGD system.

Anthracite

These standards exempt facilities that burn anthracite alone from the percentage reduction requirements of the SO_2 standard but cover them under the 520 ng/J (1.2 lb/million Btu) heat input emission limitation and all requirements of the particulate matter and NO_x standards. The proposed regulations would have covered anthracite in the same maner as all other coals. Since the Administrator recognized that there were arguments in favor of less stringent requirements for anthracite, this issue was discussed in the preamble to the proposed regulations.

Over 30 individuals or organizations commented on the anthracite issue. Almost all of the commenters favored exempting anthracite from the SO_2 percentage reduction requirement. Some of the reasons cited to justify exemption were: (1) the sulfur content of anthracite is low; (2) anthracite is more expensive to mine and burn than bituminous and will not be used unless it is cost competitive; and (3) reopening the anthracite mines will result in—improvement of acid-mine-water conditions, elimination of old mining scars on the topography, eradication of dangerous fires in deep mines and culm banks, and creation of new jobs. One commenter pointed out that the average sulfur content of anthracite is 1.09 percent. Other commenters indicated that anthracite will be cleaned, which will reduce the sulfur content. One commenter opposed exempting anthracite, because it would result in more SO_2 emissions. Another commenter said all coal-fired power plants including anthracite-fired units should have scrubbers.

After evaluating all of the comments, the Administrator has decided to exempt facilities that burn anthracite alone from the percentage reduction requirements of the SO_2 standard. These facilities will be subject to all other requirements of this regulation, including the particulate matter and NO_x standards, and the 520 ng/J (1.2 lb/million Btu) heat imput emission limitation under the SO_2 standard.

In 10 Northeastern Pennsylvania counties, where about 95 percent of the nation's anthracite coal reserves are located, approximately 40,000 acres of land have been despoiled from previous anthracite mining. The recently enacted Federal Surface Mining Control and Reclamation Act was passed to provide for the reclamation of areas like this. Under this Act, each ton of coal mined is taxed at 35 cents for strip mining and 15 cents for deep mining operations. One-half of the amount taxed is automatically returned to the State where the coal mined and one-half is to be distributed by the Department of Interior. This tax is expected to lead eventually to the reclamation of the anthracite region, but restoration will require many years. The reclamation will occur sooner if culm piles are used for fuel, the abandoned mines are reopened, and the expense of reclamation is born directly by the mine operator.

The Federal Surface Mining Control and Reclamation Act and a similar Pennsylvania law also provide for the establishment of programs to regulate anthracite mining. The State of Pennsylvania has assured EPA that total reclamation will occur if anthracite mining activity increases. They are actively pursuing with private industry the development of one area involving 12,000 to 19,000 acres of despoiled land.

In Summary, the Administrator concludes that the higher SO_2 emissions resulting from the use of anthracite without a flue gas desulfurization system is acceptable because of the other environmental improvements that will result. The impact of facilities using anthracite on ambient air quality will be minimized, because they will have to be reviewed to assure compliance with the prevention of significant deterioration provisions under the Act.

Alaskan Coal

The final standards are the same as the proposed; facilities fired with Alaskan coal are covered in the same manner as facilities fired with other coals.

Commenters suggested that problems unique to Alaska justify special provisions for facilities located in Alaska and firing Alaskan coal. Reasons cited as justification for less stringent standards by commenters on the proposal were freezing conditions, problems with sludge disposal, adverse impact of FGD on the reliability of plant operation, low-sulfur content of the coal, and cost impact on the consumer. The Administrator has examined these factors and has concluded that technically and economically feasible means are available to overcome these problems; therefore special regulatory provisions are not justified.

In reaching this conclusion the Administrator considered whether these factors demonstrated that the standards posed a substantially greater burden unique to Alaska. In other northern States where severe freezing conditions are common, plants are enclosed in buildings and insulated vessels and piping provide protection from freezing, both for scrubber operation and for liquid sludge dewatering. For an equivalent electrical generating capacity, the disposal sites for Alaskan plants could be smaller than those for most plants in the contiguous 48 States because of the lower sulfur content of Alaskan coal. Burying pipes carrying sludge to waste ponds below the frost line is feasible, except possibly in permafrost areas. The Administrator expects that future steam generators cannot be sited in permafrost areas because fly ash as well as scrubber sludge could not be properly disposed of in accordance with requirements of the Resource Recovery and Reclamation Act. In permafrost areas, turbines or other non-waste-producing processes are used or electricity is transmitted from other locations.

One commenter pointed out that failures of the FGD system would have an adverse impact on the ability to supply customers with reliable electric service, since there are no extensive interconnections with other utility companies. The Administrator has provided relief from the standards under emergency conditions that would require a choice between meeting a

power demand or complying with the standards. These emergency provisions are discussed in a subsequent section of this preamble.

Concern was expressed by the commenters that the cost impact of the standard would be excessive and that the benefits do not justify the cost, especially since Alaskan coal is among the lowest sulfur-content coal in the country. The Administrator agrees that for comparable sulfur-content coals, scrubber operating costs are slightly higher in Alaska because of the transportation costs of required materials such as lime. However, the operating costs are lower than the typical costs of FGD units controlling emissions from higher sulfur coals in the contiguous 48 States.

The Administrator considered applying a less stringent SO_2 standard to Alaskan coal-fired units, but concluded that there is insufficient distinction between conditions in Alaska and conditions in the northern part of the contiguous 48 States to justify such action. The Administrator has concluded that Alaskan coal-fired units should be controlled in the same manner as other facilities firing low-sulfur coal.

Noncontinental Areas

Facilities in noncontinental areas (State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, and the Northern Mariana Islands) are exempt from the SO_2 percentage reduction requirements. Such facilities are required, however, to meet the SO_2 emission limitations of 520 ng/J (1.2 lb/million Btu) heat input (30-day rolling average) for coal and 340 ng/J (0.8 lb/million Btu) heat input (30-day rolling average) for oil, in addition to all requirements under the NO_x and particulate matter standards. This is the same as the proposed standards.

Although this provision was identified as an issue in the preamble to the proposed standards, very few comments were received on it. In general, the comments supported the proposal. The main question raised is whether Puerto Rico has adequate land available for sludge disposal.

After evaluating the comments and available information, the Administrator has concluded that noncontinental areas, including Puerto Rico, are unique and should be exempt from the SO_2 percentage reduction requirements.

The impact of new power plants in noncontinental areas on ambient air quality will be minimized because each will have to undergo a review to assure compliance with the prevention of significant deterioration provisions under the Clean Air Act. The Administrator does not intend to rule out the possibility that an individual BACT or LAER determination for a power plant in a noncontinental area may require scrubbing.

Emerging Technology

The final regulations for emerging technologies are summarized earlier in this preamble under SUMMARY OF STANDARDS and are very similar to the proposed regulations.

In general, the comments received on the proposed regulations were supportive, although a few commenters suggested some changes. A few commenters indicated that section 111(j) of the Act provides EPA with authority to handle innovative technologies. Some commenters pointed out that the proposed standards did not address certain technologies such as dry scrubbers for SO_2 control. One commenter suggested that SRC I should be included under the solvent refined coal rather than coal liquefaction category for purposes of allocating the 15,000 MW equivalent electrical capacity.

On the basis of the comments and public record, the Administrator believes the need still exists to provide a regulatory mechanism to allow a less stringent standard to the initial full-scale demonstration facilities of certain emerging technologies. At the time the standards were proposed, the Administrator recognized that the innovative technology waiver provisions under section 111(j) of the Act are not adequate to encourage certain capital-intensive, front-end control technologies. Under the innovative technology provisions, the Administrator may grant waivers for a period of up to 7 years from the date of issuance of a waiver or up to 4 years from the start of operation of a facility, whichever is less. Although this amount of time may be sufficient to amortize the cost of tail-gas control devices that do not achieve their design control level, it does not appear to be sufficient for amortization of high-capital-cost, front-end control technologies. The proposed provisions were designed to mitigate the potential impact on emerging front-end technologies and insure that the standards do not preclude the development of such technologies.

Changes have been made to the proposed regulations for emerging technologies relative to averaging time in order to make them consistent with the final NO_x and SO_2 standards; however, a 24-hour averaging period has been retained for SRC-I because it has relatively uniform emission rates, which makes a 24-hour averaging period more appropriate than a 30-day rolling average.

Commercial demonstration permits establish less stringent requirements for the SO_2 or NO_x standards, but do not exempt facilities with these permits from any other requirements of these standards.

Under the final regulations, the Administrator (in consultation with the Department of Energy) will issue commercial demonstration permits for the initial full-scale demonstration facilities of each specified technology. These technologies have been shown to have the potential to achieve the standards established for commercial facilities. If, in implementing these provisions, the Administrator finds that a given emerging technology cannot achieve the standards for commercial facilities, but it offers superior overall environmental performance (taking into consideration all areas of environmental impact, including air, water, solid waste, toxics, and land use) alternative standards can be established.

It should be noted that these permits will only apply to the application of this standard and will not supersede the new source review procedures and prevention of significant deterioration requirements under other provisions of the Act.

Modification/Reconstruction

The impact of the modification/reconstruction provisions is the same for the final standard as it was for the proposed standard; existing facilities are only covered by the final standards if the facilities are modified or reconstructed as defined under 40 CFR 60.14, 60.15, or 60.40a. Many types of fuel switches are expressly exempt from modification/reconstruction provisions under section 111 of the Act.

Few, if any, existing steam generators that change fuels, replace burners, etc., are expected to qualify under the modification/reconstruction provisions; thus, few, if any, existing electric utility steam generating units will become subject to these standards.

The preamble to the proposed regulations did not provide a detailed discussion of the modification/reconstruction provisions, and the comments received indicated that these provisions were not well understood by the commenters. The general modification/reconstruction provisions under 40 CFR 60.14 and 60.15 apply to all source categories covered under Part 60. Any source-specific modification/

reconstruction provisions are defined in more detail under the applicable subpart (60.40a for this standard).

A number of commenters expressly requested that fuel switching provisions be more clearly addressed by the standard. In response, the Administrator has clarified the fuel switching provisions by including them in the final standards. Under these provisions existing facilities that are converted to nonfossil fuels are not considered to have undergone modification. Similarly, existing facilities designed to fire gas or oil and that are converted to shale oil, coal/oil mixtures, coal/oil/water mixtures, solvent refined coal, liquified coal, gasified coal, or any other coal-derived fuel are not considered to have undergone modification. This was the Administrator's intention under the proposal and was mentioned in the Federal Register preamble for the proposal.

SO_2 Standards

SO_2 Control Technology—The final SO_2 standards are based on the performance of a properly designed, installed, operated and maintained FGD system. Although the standards are based on lime and limestone FGD systems, other commercially available FGD systems (e.g., Wellman-Lord, double alkali and magnesium oxide) are also capable of achieving the final standard. In addition, when specifying the form of the final standards, the Administrator considered the potential of dry SO_2 control systems as discussed later in this section.

Since the standards were proposed, EPA has continued to collect SO_2 data with continuous monitors at two sites and initiated data gathering at two additional sites. At the Conesville No. 5 plant of Columbus and Southern Ohio Electric company, EPA gathered continuous SO_2 data from July to December 1978. The Conesville No. 5 FGD unit is a turbulent contact absorber (TCA) scrubber using thiosorbic lime as the scrubbing medium. Two parallel modules handle the gas flow from a 411-MW boiler firing run-of-mine 4.5 percent sulfur Ohio coal. During the test period, data for only thirty-four 24-hour averaging periods were gathered because of frequent boiler and scrubber outages. The Conesville system averaged 88.8 percent SO_2 removal, and outlet SO_2 emissions averaged 0.80 lb/million Btu. Monitoring of the Wellman-Lord FGD unit at Northern Indiana Public Service Company's Mitchell station during 1978 included one 41-day continuous period of operation. Data from this period were combined with previous data and analyzed. Results indicated 0.61 lb SO_2/million Btu and 89.2 percent SO_2 removal for fifty-six 24-hour periods.

From December 1978 to February 1979, EPA gathered SO_2 data with continuous monitors at the 10-MW prototype unit (using a TCA absorber with lime) at Tennessee Valley Authority's (TVA) Shawnee station and the Lawrence No. 4 FGD unit (using limestone) of Kansas Power and Light Company. During the Shawnee test, data were obtained for forty-two 24-hour periods in which 3.0 percent sulfur coal was fired. Sulfur dioxide removal averaged 88.6 percent. Lawrence No. 4 consists of a 125-MW boiler controlled by a spray tower limestone FGD unit. In January and February 1979, during twenty-two 24-hour periods of operation with 0.5 percent sulfur coal, the average SO_2 removal was 96.6 percent. The Shawnee and Lawrence tests also demonstrated that SO_2 monitors can function with reliabilities above 80 percent. A summary of the recent EPA-acquired SO_2 monitored data follows:

Site	Scrubber	Coal sulfur, pct.	No. of 24-hour periods	Average SO_2 removal, pct.
Conesville No. 5	Thiosorbic lime/TCA	4.5	34	89.2
NIPSCO	Wellman-Lord	3.5	56	89.2
Shawnee	Lime/TCA	3.0	42	88.6
Lawrence No. 4	Limestone/spray tower	0.5	22	96.6

Since proposing the standards, EPA has prepared a report that updates information in the earlier PEDCo report on FGD systems. The report includes listings of several new closed-loop systems.

A variety of comments were received concerning SO_2 control technology. Several comments were concerned with the use of data from FGD systems operating in Japan. These comments suggested that the Japanese experience shows that technology exists to obtain greater than 90 percent SO_2 removal. The commenters pointed out that attitudes of the plant operators, the skill of the FGD system operators, the close surveillance of power plant emissions by the Japanese Government, and technical differences in the mode of scrubber operation were primary factors in the higher FGD reliabilities and efficiencies for Japanese systems. These commenters stated that the Japanese experience is directly applicable to U.S. facilities. Other comments stated that the Japanese systems cannot be used to support standards for power plants in the U.S. because of the possible differences in factors such as the degree of closed-loop versus open-loop operation, the impact of trace constituents such as chlorides, the differences in inlet SO_2 concentrations, SO_2 uptake per volume of slurry, Japanese production of gypsum instead of sludge, coal blending and the amount of maintenance.

The comments on closed-loop operation of Japanese systems inferred that larger quantities of water are purged from these systems than from their U.S. counterparts. A closed-loop system is one where the only water leaving the system is by: (1) evaporative water losses in the scrubber, and (2) the water associated with the sludge. The administrator found by investigating the systems referred to in the comments that six of ten Japanese systems listed by one commenter and two of four coal-fired Japanese systems are operated within the above definition of closed-loop. The closed-loop operation of Japanese scrubbers was also attested to in an Interagencey Task Force Report, "Sulfur Oxides Control Technology in Japan" (June 30, 1978) prepared for Honorable Henry M. Jackson, Chairman, Senate Committee on Energy and Natural Resources. It is also important to note that several of these successful Japanese systems were designed by U.S. vendors.

After evaluating all the comments, the Administrator has concluded that the experience with systems in Japan is applicable to U.S. power plants and can be used as support to show that the final standards are achievable.

A few commenters stated that closed-loop operation of an FGD system could not be accomplished, especially at utilities burning high-sulfur coal and located in areas where rainfall into the sludge disposal pond exceeds evaporation from the pond. It is important to note that neither the proposed nor final standards require

closed-loop operation of the FGD. The commenters are primarily concerned that future water pollution regulations will require closed-loop operation. Several of these commenters ignored the large amount of water that is evaporated by the hot exhaust gases in the scrubber and the water that is combined with and goes to disposal with the sludge in a typical ponding system. If necessary, the sludge can be dewatered by use of a mechanical clarifier, filter, or centrifuge and then sludge disposed of in a landfill designed to minimize rainwater collection. The sludge could also be physically or chemically stabilized.

Most U.S. systems operate open-loop (i.e., have some water discharge from their sludge pond) because they are not required to do otherwise. In a recent report "Electric Utility Steam Generating Units—Flue Gas Desulfurization Capabilities as of October 1978" (EPA–450/3–79–001), PEDCo reported that several utilities burning both low- and high-sulfur coal have reported that they are operating closed-loop FGD systems. As discussed earlier, systems in Japan are operating closed-loop if pond disposal is included in the system. Also, experiments at the Shawnee test facility have shown that highly reliable operation can be achieved with high sulfur coal (containing moderate to high levels of chloride) during closed-loop operation. The Administrator continues to believe that although not required, closed-loop operation is technically and economically feasible if the FGD and disposal system are properly designed. If a water purge is necessary to control chloride buildup, this stream can be treated prior to disposal using commercially available water treatment methods, as discussed in the report "Controlling SO_2 Emissions from Coal-Fired Steam-Electric Generators: Water Pollution Impact" (EPA–600/7–78–045b).

Two comments endorsed coal cleaning as an SO_2 emission control technique. One commenter encouraged EPA to study the potential of coal cleaning, and another endorsed coal cleaning in preference to FGD. The Administrator investigated coal cleaning and the relative economics of FGD and coal cleaning and the results are presented in the report "Physical Coal Cleaning for Utility Boiler SO_2 Emission Control" (EPA–600/7–78–034). The Administrator does not consider coal cleaning alone as representing the best demonstrated system for SO_2 emission reduction. Coal cleaning does offer the following benefits when used in conjuction with an FGD system: (1) the SO_2 concentrations entering the FGD system are lower and less variable than would occur without coal cleaning, (2) percent removal credit is allowed toward complying with the SO_2 standard percent removal requirement, and (3) the SO_2 emission limit can be achieved when using a coal having a sulfur content above that which would be needed when coal cleaning is not practiced. The amount of sulfur that can be removed from coal by physical coal cleaning was investigated by the U.S. Department of the Interior ("Sulfur Reduction Potential of the Coals of the United States," Bureau of Mines Report of Investigations/1976, RI–8118). Coal cleaning principally removes pyritic sulfur from coal by crushing it to a maximum top size and then separating the pyrites and other rock impurities from the coal. In order to prevent coal cleaning processes from developing into undesirable sources of energy waste, the amount of crushing and the separation bath's specific gravity must be limited to reasonable levels. The Administrator has concluded that crushing to 1.5 inches topsize and separation at 1.6 specific gravity represents common practice. At this level, the sulfur reduction potential of coal cleaning for the Eastern Midwest (Illinois, Indiana, and Western Kentucky) and the Northern Appalachian Coal (Pennsylvania, Ohio, and West Virginia) regions averages approximately 30 percent. The washability of specific coal seams will be less than or more than the average.

Some comments state that FGD systems do not work on specific coals, such as high-sulfur Illinois-Indiana coal, high-chloride Illinois coal, and Southern Appalachian coals. After review of the comments and data, the Administrator concluded that FGD application is not limited by coal properties. Two reports, "Controlling SO_2 Emissions from Coal-Fired Steam-Electric Generators: Water Pollution Impact" (EPS–600/7–78–045b) and "Flue Gas Desulfurization Systems: Design and Operating Considerations" (EPA–600/7–78–030b) acknowledge that coals with high sulfur or chloride content may present problems. Chlorides in flue gas replace active calcium, magnesium, or sodium alkalis in the FGD system solution and cause stress corrosion in susceptible materials. Prescrubbing of flue gas to absorb chlorides upstream of the FGD or the use of alloy materials and protective coatings are solutions to high-chloride coal applications. Two reports, "Flue Gas Desulfurization System Capabilities for Coal-Fired Steam Generators" (EPA–600/7–78–032b) and "Flue Gas Desulfurization Systems: Design and Operating Considerations" (EPA–600/7–7–78–030b) also acknowledge that 90 percent SO_2 removal (or any given level) is more difficult when burning high-sulfur coal than when burning low-sulfur coal because the mass of SO_2 that must be removed is greater when high-sulfur coal is burned. The increased load results in larger and more complex FGD systems (requiring higher liquid-to-gas ratios, larger pumps, etc). Operation of current FGD installations such as LaCygne with over 5 percent sulfur coal, Cane Run No. 4 on high-sulfur midwestern coal, and Kentucky Utilities Green River on 4 percent sulfur coal provides evidence that complex systems can be operated successfully on high-sulfur coal. Recent experience at TVA, Widows Creek No. 8 shows that FGD systems can operate successfully at high SO_2 removal efficiencies when Southern Appalachian coals are burned.

Coal blending was the subject of two comments: (1) that blending could reduce, but not eliminate, sulfur variability; and (2) that coal blending was a relatively inexpensive way to meet more relaxed standards. The Administrator believes that coal blending, by itself, does not reduce the average sulfur content of coal but reduces the variability of the sulfur content. Coal blending is not considered representative of the best demonstrated system for SO_2 emission reduction. Coal blending, like coal cleaning, can be beneficial to the operation of an FGD system by reducing the variability of sulfur loading in the inlet flue gas. Coal blending may also be useful in reducing short-term peak SO_2 concentrations where ambient SO_2 levels are a problem.

Several comments were concerned with the dependability of FGD systems and problems encountered in operating them. The commenters suggested that FGD equipment is a high-risk investment, and there has been limited "successful" operating experience. They expressed the belief that utilities will experience increased maintenance requirements and that the possibility of forced outages due to scaling and corrosion would be greater as a result of the standards.

One commenter took issue with a statement that exhaust stack liner problems can be solved by using more expensive materials. The commenter also argued that EPA has no data supporting the assumption that scrubbers have been demonstrated at or near 90 percent reliability with one spare module. The Administrator has considered these comments and has concluded that properly designed and operated FGD systems can perform

reliably. An FGD system is a chemical process which must be designed (1) to include materials that will withstand corrosive/erosive conditions, (2) with instruments to monitor process chemistry and (3) with spare capacity to allow for planned downtime for routine maintenance. As with any chemical process, a startup or shakedown period is required before steady, reliable operation can be achieved.

The Administrator has continued to follow the progress of the FGD systems cited in the supporting documents published in conjunction with the proposed regulations in September 1978. Availability of the FGD system at Kansas City Power and Light Company's LaCygne Unit No. 1 has steadily improved. No FGD-related forced outages were reported from September 1977 to September 1978. Availability from January to September 1978 averaged 93 percent. Outages reported were a result of boiler and turbine problems but not FGD system problems. LaCygne Unit No. 1 burns high-sulfur (5 percent) coal, uses one of the earlier FGD's installed in the U.S., and reduces SO_2 emissions by 80 percent with a limestone system at greater than 90 percent availability. Northern States Power Company's Sherburne Units Numbers 1 and 2 on the other hand operate on low-sulfur coal (0.8 percent). Sherburne No. 1, which began operating early in 1976, had 93 percent availability in both 1977 and 1978. Sherburne No. 2, which began operation in late 1976 had availabilities of 93 percent in 1977 and 94 percent in 1978. Both of these systems include spare modules to maintain these high availabilities.

Several comments were received expressing concern over the increased water use necessary to operate FGD systems at utilities located in arid regions. The Administrator believes that water availability is a factor that limits power plant siting but since an FGD system uses less than 10 percent of the water consumed at a power plant, FGD will not be the controlling factor in the siting of new utility plants.

A few commenters criticized EPA for not considering amendments to the Federal Water Pollution Control Act (now the Clean Water Act), the Resource Conservation and Recovery Act, or the Toxic Substances Control Act when analyzing the water pollution and solid waste impacts of FGD systems. To the extent possible, the Administrator believes that the impacts of these Acts have been taken into consideration in this rule-making. The economic impacts were estimated on the basis of requirements anticipated for power plants under these Acts.

Various comments were received regarding the SO_2 removal efficiency achievable with FGD technology. One comment from a major utility system stated that they agreed with the standards, as proposed. Many comments stated that technology for better than 90 percent SO_2 removal exists. One comment was received stating that 95 percent SO_2 removal should be required. The Administrator concludes that higher SO_2 removals are achievable for low-sulfur coal which was the basis of this comment. While 95 percent SO_2 removal may be obtainable on high-sulfur coals with dual alkali or regenerable FGD systems, long-term data to support this level are not available and the Administrator has concluded that the demand for dual alkali/regenerable systems would far exceed vendor capabilities. When the uncertainties of extrapolating performance from 90 to 95 percent for high-sulfur coal, or from 95 percent on low-sulfur coal to high-sulfur coal, were considered, the Administrator concluded that 95 percent SO_2 removal for lime/limestone based systems on high-sulfur coal could not be reasonably expected at this time.

Another comment stated that all FGD systems except lime and limestone were not demonstrated or not universally applicable. The proposed SO_2 standards were based upon the conclusion that they were achievable with a well designed, operated, and maintained FGD system. At the time of proposal, the Administrator believed that lime and limestone FGD systems would be the choice of most utilities in the near future but, in some instances, utilities would choose the more reactive dual alkali or regenerable systems. The use of additives such as magnesium oxides was not considered to be necessary for attainment of the standard, but could be used at the option of the utility. Available data show that greater than 90 percent SO_2 removal has been achieved at full scale U.S. facilities for short-term periods when high-sulfur coal is being combusted, and for long-term periods at facilities when low-sulfur coal is burned. In addition, greater than 90 percent SO_2 removal has been demonstrated over long-term operating periods at FGD facilities when operating on low- and medium-sulfur coals in Japan.

Other commenters questioned the exclusion of dry scrubbing techniques from consideration. Dry scrubbing was considered in EPA's background documents and was not excluded from consideration. Five commercial dry SO_2 control systems are currently on order; three for utility boilers (400-MW, 455-MW, and 550-MW) and two for industrial applications. The utility units are designed to achieve 50 to 85 percent reduction on a long-term average basis and are scheduled to commence operation in 1981-1982. The design basis for these units is to comply with applicable State emission limitations. In addition, dry SO_2 control systems for six other utility boilers are out for bid. However, no full scale dry scrubbers are presently in operation at utility plants so information available to EPA and presented in the background document dealt with prototype units. Pilot scale data and estimated costs of full-scale dry scrubbing systems offer promise of moderately high (70-85 percent) SO_2 removal at costs of three-fourths or less of a comparable lime or limestone FGD system. Dry control system and wet control system costs are approximately equal for a 2-percent-sulfur coal. With lower-sulfur coals, dry controls are particularly attractive, not only because they would be less costly than wet systems, but also because they are expected to require less maintenance and operating staff, have greater turndown capabilities, require less energy consumption for operation, and produce a dry solid waste material that can be more easily disposed of than wet scrubber sludge.

Tests done at the Hoot Lake Station (a 53-MW boiler) in Minnesota demonstrated the performance capability of a spray dryer-baghouse dry control system. The exhaust gas concentrations before the control systems were 800 ppm SO_2 and an average of 2 gr/acf particulate matter. With lime as the sorbent, the control system removed over 86 percent SO_2 and 99.96 percent particulate matter at a stoichiometric ratio of 2.1 moles of lime absorbent per inlet mole of SO_2. When the spent lime dust was recirculated from the bag filter to the lime slurry feed tank, SO_2 removal efficiencies up to 90 percent ware obtained at stoichiometric ratios of 1.3-1.5. With the lime recirculation process, SO_2 removal efficiencies of 70-80 percent were demonstrated at a more economical stoichiometric ratio (about 0.75). Similar tests were performed at the Leland Olds Station using commercial grade lime.

Based upon the available information, the Administrator has concluded that 70 percent SO_2 removal using lime as the reactant is technically feasible and economically attractive in comparison to wet scrubbing when coals containing less than 1.5 percent sulfur are being

combusted. The coal reserves which contain 1.5 percent sulfur or less represent approximately 90 percent of the total Western U.S. reserves.

The standards specify a percentage reduction and an emission limit but do not specify technologies which must be used. The Administrator specifically took into consideration the potential of dry SO_2 scrubbing techniques when specifying the final form of the standard in order to provide an opportunity for their development on low-sulfur coals.

Averaging Time

Compliance with the final SO_2 standards is based on a 30-day rolling average. Compliance with the proposed standards was based on a 24-hour average.

Several comments state that the proposed SO_2 percent reduction requirement is attainable using currently available control equipment. One utility company commented upon their experience with operating pilot and prototype scrubbers and a full-scale limestone FGD system on a 550-MW plant. They stated that the FGD state of the art is sufficiently developed to support the proposed standards. Based on their analysis of scrubber operating variability and coal quality variability, they indicated that to achieve an 85 percent reduction in SO_2 emissions 90 percent of the time on a daily basis, the 30-day average scrubber efficiency would have to be at least 88 to 90 percent.

Other comments stated that EPA contractors did not consider SO_2 removal in context with averaging time, that vendor guarantees were not based on specific averaging times, and that quoted SO_2 removal efficiencies were based on testing modules. EPA found through a survey of vendors that many would offer 90–95 percent SO_2 removal guarantees based upon their usual acceptance test criteria. However, the averaging time was not specified. The Industrial Gas Cleaning Institute [IGCI], which represents control equipment vendors, commented that the control equipment industry has the present capability to design, manufacture, and install FGD control systems that have the capability of attaining the proposed SO_2 standards [a continuous 24-hour average basis]. Concern was expressed, however, about the proposed 24-hour averaging requirement, and this commenter recommended the adoption of 30-day averaging. Since minute-to-minute variations in factors affecting FGD efficiency cannot be compensated for instantaneously, 24-hour averaging is an impracticably short period for implementing effective correction or for creating offsetting favorable higher efficiency periods.

Numerous other comments were received recommending that the proposed 24-hour averaging period be changed to 30 days. A utility company stated that their experience with operating full scale FGD systems at 500- and 400-MW stations indicates that variations in FGD operation make it extremely difficult, if not impossible, to maintain SO_2 removal efficiencies in compliance with the proposed percent reduction on a continual daily basis. A commenter representing the industry stated that it is clear from EPA's data that the averaging time could be no shorter than 24 hours, but that neither they nor EPA have data at this time to permit a reasonable determination of what the appropriate averaging time should be.

The Administrator has thoroughly reviewed the available data on FGD performance and all of the comments received. Based on this review, he has concluded that to alleviate this concern over coal sulfur variability, particularly its effect on small plant operations, and to allow greater flexibility in operating FGD units, the final SO_2 standard should be based on a 30-day rolling average rather than a 24-hour average as proposed. A rolling average has been adopted because it allows the Administrator to enforce the standard on a daily basis. A 30-day average is used because it better describes the typical performance of an FGD system, allows adequate time for owners or operators to respond to operating problems affecting FGD efficiency, permits greater flexibility in procedures necessary to operate FGD systems in compliance with the standard, and can reduce the effects of coal sulfur variability on maintaining compliance with the final SO_2 standards without the application of coal blending systems. Coal blending systems may be required in some cases, however, to provide for the attainment and maintenance of the National Ambient Air Quality Standards for SO_2.

Emission Limitation

In the September proposal, a 520 ng/J (1.20 lb/million Btu) heat input emission limit, except for 3 days per month, was specified for solid fuels. Compliance was to be determined on a 24-hour averaging basis.

Following the September proposal, the joint working group comprised of EPA, The Department of Energy, the Council of Economic Advisors, the Council on Wage and Price Stability, and others investigated ceilings lower than the proposal. In looking at these alternatives, the intent was to take full advantage of the cost effectiveness benefits of a joint coal washing/scrubbing strategy on high-sulfur coal. The cost of washing is relatively inexpensive; therefore, the group anticipated that a low emission ceiling, which would require coal washing and 90 percent scrubbing, could substantially reduce emissions in the East and Midwest at a relatively low cost. Since coal washing is now a widespread practice, it was thought that Eastern coal production would not be seriously impacted by the lower emission limit. Analyses using an econometric model of the utility sector confirmed these conclusions and the results were published in the Federal Register on December 8, 1978 (43 FR 57834).

Recognizing certain inherent limitations in the model when assessing impacts at disaggregated levels, the Administrator undertook a more detailed analysis of regional coal production impacts in February using Bureau of Mines reports which provided seam-by-seam data on the sulfur content of coal reserves and the coal washing potential of those reserves. The analysis identified the amount of reserves that would require more than 90 percent scrubbing of washed coal in order to meet designated ceilings. To determine the sulfur reduction from coal washing, the Administrator assumed two levels of coal preparation technology, which were thought to represent state-of-the-art coal preparation (crushing to 1.5-inch top size with separation at 1.6 specific gravity, and ⅜-inch top size with separation at 1.6 specific gravity). The amount of sulfur reduction was determined according to chemical characteristics of coals in the reserve base. This assessment was made using a model developed by EPA's Office of Research and Development.

As a result of concerns expressed by the National Coal Association, a meeting was called for April 5, 1979, in order for EPA and the National Coal Association to present their respective findings as they pertained to potential impacts of lower emission limits on high-sulfur coal reserves in the Eastern Midwest (Illinois, Indiana, and Western Kentucky) and the Northern Appalachian (Ohio, West Virginia, and Pennsylvania) coal regions. Recognizing the importance of discussion, the Administrator invited representatives from the Sierra Club, the Natural Resources Defense Council, the Environmental Defense Fund, the Utility

Air Regulatory Group, and the United Mine Workers of America, as well as other interested parties to attend.

At the April 5 meeting, EPA presented its analysis of the Eastern Midwest and Northern Appalachian coal regions. The analysis showed that at a 240 ng/J (0.55 lb/million Btu) annual emission limit more than 90 percent scrubbing would be required on between 5 and 10 percent of Northern Appalachian reserves and on 12 to 25 percent of the Eastern Midwest reserves. At a 340 ng/J (0.80 lb/million Btu) limit, less than 5 percent of the reserves in each of these regions would require greater than 90 percent scrubbing. At that same meeting, the National Coal Association presented data on the sulfur content and washability of reserves which are currently held by member companies. While the reported National Coal Association reserves represent a very small portion of the total reserve base, they indicate reserves which are planned to be developed in the near future and provide a detailed property-by-property data base with which to compare EPA analytical results. Despite the differences in data base sizes, the National Coal Association's study served to confirm the results of the EPA analysis. Since the National Coal Association results were within 5 percentage points of EPA's estimates, the Administrator concluded that the Office of Research and Development model would provide a widely accepted basis for studying coal reserve impacts. In addition, as a result of discussions at this meeting the Administrator revised his assessment of state-of-the-art coal cleaning technology. The National Coal Association acknowledged that crushing to 1.5-inch top size with separation at 1.6 specific gravity was common practice in industry, but that crushing to smaller top sizes would create unmanageable coal handling problems and great expense.

In order to explore further the potential for dislocations in regional coal markets, the Administrator concluded that actual buying practices of utilities rather than the mere technical usability of coals should be considered. This additional analysis identified coals that might not be used because of conservative utility attitudes toward scrubbing and the degree of risk that a utility would be willing to take in buying coal to meet the emission limit. This analysis was performed in a similar manner to the analysis described above except that two additional assumptions were made: (1) utilities would purchase coal that would provide about a 10 percent margin below the emission limit in order to minimize risk; and (2) utilities would purchase coal that would meet the emission limit (with margin) with a 90 percent reduction in potential SO_2 emissions. This assumption reflects utility preference for buying washed coal for which only 85 percent scrubbing is needed to meet both the percent reduction and the emission limit as compared to the previous assumption that utilities would do 90 percent scrubbing on washed coal (resulting in more than 90 percent reduction in potential SO_2 emissions). This analysis was performed using EPA data at 430 ng/J (1.0 lb/million Btu) and 520 ng/J (1.20 lb/million Btu) monthly emission limits. The results revealed that a significant portion (up to 22 percent) of the high-sulfur coal reserves in the Eastern Midwest and portions of Northern Appalachian coal regions would require more than a 90 percent reduction if the emission limitation was established below 520 ng/J (1.20 lb/million Btu) on a 30-day rolling average basis. Although higher levels of control are technically feasible, conservatism in utility perceptions of scrubber performance could create a significant disincentive against the use of these coals and disrupt the coal markets in these regions. Accordingly, the Administrator concluded the emission limitation should be maintained at 520 ng/J (1.20 lb/million Btu) on a 30-day rolling average basis. A more stringent emission limit would be counter to one of the basic purposes of the 1977 Amendments, that is, encouraging the use of higher sulfur coals.

Full Versus Partial Control

In September 1978, the Administrator proposed a full or uniform control alternative and set forth other partial or variable control options as well for public comment. At that time, the Administrator made it clear that a decision as to the form of the final standard would not be made until the public comments were evaluated and additional analyses were completed. The analytical results are discussed later under Regulatory Analysis.

This issue focuses on whether power plants firing lower-sulfur coals should be required to achieve the same percentage reduction in potential SO_2 emissions as those burning higher-sulfur coals. When addressing this issue, the public commenters relied heavily on the statutory language and legislative history of Section 111 of the Clean Air Act Amendments of 1977 to bolster their arguments. Particular attention was directed to the Conference Report which says in the pertinent part:

> In establishing a national percent reduction for new fossil fuel-fired sources, the conferees agreed that the Administrator may, in his discretion, set a range of pollutant reduction that reflects varying fuel characteristics. Any departure from the uniform national percentage reduction requirement, however, must be accompanied by a finding that such a departure does not undermine the basic purposes of the House provision and other provisions of the act, such as maximizing the use of locally available fuels.

Comments Favoring Full or Uniform Control. Commenters in favor of full control relied heavily on the statutory presumption in favor of a uniform application of the percentage reduction requirement. They argued that the Conference Report language, ". . . the Administrator may, in his discretion, set a range of pollutant reduction that reflects varying fuel characteristics. . . ." merely reflects the contention of certain conferees that low-sulfur coals may be more difficult to treat than high-sulfur coals. This contention, they assert, is not borne out by EPA's technical documentation nor by utility applications for prevention of significant deterioration permits which clearly show that high removal efficiencies can be attained on low-sulfur coals. In the face of this, they maintain there is no basis for applying a lower percent reduction for such coals.

These commenters further maintain that a uniform application of the percent reduction requirement is needed to protect pristine areas and national parks, particularly in the West. In doing so, they note that emissions may be up to seven times higher at the individual plant level under a partial approach than under uniform control. In the face of this, they maintain that partial control cannot be considered to reflect best available control technology. They also contend that the adoption of a partial approach may serve to undermine the more stringent State requirements currently in place in the West.

Turning to national impacts, commenters favoring a uniform approach note that it will result in lower emissions. They maintain that these lower emissions are significant in terms of public health and that such reductions should be maximized, particularly in light of the Nation's commitment to greater coal use. They also assert that a uniform standard is clearly affordable. They point out that the incremental increase in costs associated with a uniform standard is small when compared to total utility expenditures and will have a minimal impact at the consumer level. They further maintain that EPA has inflated

the costs of scrubber technology and has failed to consider factors that should result in lower costs in future years.

With respect to the oil impacts associated with a uniform standard, these same commenters are critical of the oil prices used in the EPA analyses and add that if a higher oil price had been assumed the supposed oil impact would not have materialized.

They also maintain that the adoption of a partial approach would serve to perpetuate the advantage that areas producing low-sulfur coal enjoyed under the current standard, which would be counter to one of the basic purposes of the House bill. On the other hand, they argue, a uniform standard would not only reduce the movement of low-sulfur coals eastward but would serve to maximize the use of local high-sulfur coals.

Finally, one of the commenters specified a more stringent full control option than had been analyzed by EPA. It called for a 95 percent reduction in potential SO_2 emissions with about a 280 ng/J (0.65 lb/million Btu) emission limit on a monthly basis. In addition, this alternative reflected higher oil prices and declining scrubber costs with time. The results were presented at the December 12 and 13 public hearing on the proposed standards.

Comments Favoring Partial or Variable Control. Those commenters advocating a partial or variable approach focused their arguments on the statutory language of Section 111. They maintained that the standard must be based on the "best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated." They also asserted that the Conference Report language clearly gives the Administrator authority to establish a variable standard based on varying fuel characteristics, i.e., coal sulfur content.

Their principal argument is that a variable approach would achieve virtually the same emission reductions at the national level as a uniform approach but at substantially lower costs and without incurring a significant oil penalty. In view of this, they maintain that a variable approach best satisfies the statutory language of Section 111.

In support of variable control they also note that the revised NSPS will serve as a minimum requirement for prevention of significant deterioration and non-attainment considerations, and that ample authority exists to impose more stringent requirements on a case-by-case basis. They contend that these authorities should be sufficient to protect pristine areas and national parks in the West and to assure the attainment and maintenance of the health-related ambient air quality standards. Finally, they note that the NSPS is technology-based and not directly related to protection of the Nation's public health.

In addition, they argue that a variable control option would provide a better opportunity for the development of innovative technologies. Several commenters noted that, in particular, a uniform requirement would not provide an opportunity for the development of dry SO_2 control systems which they felt held considerable promise for bringing about SO_2 emission reductions at lower costs and in a more reliable manner.

Commenters favoring variable control also advanced the arguments that a standard based on a range of percent reductions would provide needed flexibility, particularly when selecting intermediate sulfur content coals. Further, if a control system failed to meet design expectations, a variable approach would allow a source to move to lower-sulfur coal to achieve compliance. In addition, for low-sulfur coal applications, a variable option would substantially reduce the energy penalty of operating wet scrubbers since a portion of the flue gas could be used for plume reheat.

To support their advocacy of a variable approach, two commenters, the Department of Energy and the Utility Air Regulatory Group [UARG, representing a number of utilities], presented detailed results of analyses that had been conducted for them. UARG analyzed a standard that required a minimum reduction of 20 percent with 520 ng/J (1.20 lb/million Btu) monthly emission limit. The Department of Energy specified a partial control option that required a 33 percent minimum requirement with a 430 ng/J (1.0 lb/million Btu) monthly emission limit.

Faced with these comments, the Administrator determined the final analyses that should be performed. He concluded that analyses should be conducted on a range of alternative emission limits and percent reduction requirements in order to determine the approach which best satisfies the statutory language and legislative history of section 111. For these analyses, the Administrator specified a uniform or full control option, a partial control option reflecting the Department of Energy's recommendation for a 33 percent minimum control requirement, and a variable control option which specified a 520 ng/J (1.20 lb/million Btu) emission limitation with a 90 percent reduction in potential SO_2 emissions except when emissions to the atmosphere were reduced below 260 ng/J (0.60 lb/million Btu), when only a 70 percent reduction in potential SO_2 emissions would apply. Under the variable approach, plants firing high-sulfur coals would be required to achieve a 90 percent reduction in potential emissions in order to comply with the emission limitation. Those using intermediate and low-sulfur content coals would be permitted to achieve between 70 and 90 percent, provided their emissions were less than 260 ng/J (0.60 lb/million BTU).

In rejecting the minimum requirement of 20 percent advocated by UARG, the Administrator found that it not only resulted in the highest emissions, but that it was also the least cost effective of the variable control options considered. The more stringent full control option presented in the comments was rejected because it required a 95 percent reduction in potential emissions which may not be within the capabilities of demonstrated technology for high-sulfur coals in all cases.

Emergency Conditions

The final standards allow an owner or operator to bypass uncontrolled flue gases around a malfunctioning FGD system provided (1) the FGD system has been constructed with a spare FGD module, (2) FGD modules are not available in sufficent numbers to treat the entire quantity of flue gas generated, and (3) all available electric generating capacity is being utilized in a power pool or network consisting of the generating capacity of the affected utility company (except for the capacity of the largest single generating unit in the company), and the amount of power that could be purchased from neighboring interconnected utility companies. The final standards are essentially the same as those proposed. The revisions involve wording changes to clarify the Administrator's intent and revisions to address potential load management and operating problems. None of the comments received by EPA disputed the need for the emergency condition provisions or objected to their intent.

The intent of the final standards is to encourage power plant owners and operators to install the best available FGD systems and to implement effective

operation and maintenance procedures but not to create power supply disruptions. FGD systems with spare FGD modules and FGD modules with spare equipment components have greater capability of reliable operation than systems without spares. Effective control and operation of FGD systems by engineering supervisory personnel experienced in chemical process operations and properly trained FGD system operators and maintenance staff are also important in attaining reliable FGD system operation. While the standards do not require these equipment and staffing features, the Administrator believes that their use will make compliance with the standards easier. Malfunctioning FGD systems are not exempt from the SO_2 standards except during infrequent power supply emergency periods. Since the exemption does not apply unless a spare module has been installed (and operated), a spare module is required for the exemption to apply. Because of the disproportionate cost of installing a spare module on steam generators having a generating capacity of 125 MW or less, the standards do not require them to have spare modules before the emergency conditions exemption applies.

The proposed standards included the requirement that the emergency condition exemption apply only to those facilities which have installed a spare FGD system module or which have 125 MW or less of output capacity. However, they did not contain procedures for demonstrating spare module capability. This capability can be easily determined once the facility commences operation. To specify how this determination is to be performed, provisions have been added to the regulations. This determination is not required unless the owner or operator of the affected facility wishes to claim spare module capability for the purpose of availing himself of the emergency condition exemption. Should the Administrator require a demonstration of spare module capability, the owner or operator would schedule a test within 60 days for any period of operation lasting from 24 hours to 30 days to demonstrate that he can attain the appropriate SO_2 emission control requirements when the facility is operated at a maximum rate without using one of its FGD system modules. The test can start at any time of day and modules may be rotated in and out of service, but at all times in the test period one module (but not necessarily the same module) must not be operated to demonstrate spare module capability.

Although it is within the Administrator's discretion to require the spare module capability demonstration test, the owner or operator of the facility has the option to schedule the specific date and duration of the test. A minimum of only 24 hours of operation are required during the test period because this period of time is adequate to demonstrate spare module capability and it may be unreasonable in all circumstances to require a longer (e.g., 30 days) period of operation at the facility's maximum heat input rate. Because the owner or operator has the flexibility to schedule the test, 24 hours of operation at maximum rate will not impose a significant burden on the facility

The Administrator believes that the standards will not cause supply disruption because (1) well designed and operated FGD systems can attain high operating availability, (2) a spare FGD module can be used to rotate other modules out of service for periodic maintenance or to replace a malfunctioning module, (3) load shifting of electric generation to another generating unit can normally be used if a part or all of the FGD system were to malfunction, and (4) during abnormal power supply emergency periods, the bypassing exemption ensures that the regulations would not require a unit to stand idle if its operation were needed to protect the reliability of electric service. The Administrator believes that this exemption will not result in extensive bypassing because the probability of a major FGD malfunction and power supply emergency occurring simultaneously is small.

A commenter asked that the definition of system capacity be revised to ensure that the plant's capability rather than plant rated capacity be used because the full rated capacity is not always operable. The Administrator agrees with this comment because a component failure (e.g., the failure of one coal pulverizer) could prevent a boiler from being operated at its rated capacity, but would not cause the unit to be entirely shut down. The definition has been revised to allow use of the plant's capability when determining the net system capacity.

One commenter asked that the definition of system capacity be revised to include firm contractual purchases and to exclude firm contractual sales. Because power obtained through contractual purchases helps to satisfy load demand and power sold under contract affects the net electric generating capacity available in the system, the Administrator agrees with this request and has included power purchases in the definition of net system capacity and has excluded sales by adding them to the definition of system load.

A commenter asked that the ownership basis for proration of electric capacity in several definitions be modified when there are other contractual arrangements. The Administrator agrees with this comment and has revised the definitions accordingly.

One commenter asked that definitions describing "all electric generating equipment owned by the utility company" specifically include hydroelectric plants. The proposed definitions did include these plants, but the Administrator agrees with the clarification requested, and the definitions have been revised.

A commenter asked that the word "steam" be removed from the definition of system emergency reserves to clarify that nuclear units are included. The Administrator agrees with the comment and has revised the definition.

Several commenters asked that some type of modification be made to the emergency condition provisions that would consider projected system load increases within the next calendar day. One commenter asked that emergency conditions apply based on a projection of the next day's load. The Administrator does not agree with the suggestion of using a projected load, which may or may not materialize, as a criterion to allow bypassing of SO_2 emissions, because the load on a generating unit with a malfunctioning FGD system should be reduced whenever there is other available system capacity.

A commenter recommended that a unit removed from service be allowed to return to service if such action were necessary to maintain or reestablish system emergency reserves. The Administrator agrees that it would be impractical to take a large steam generating unit entirely out of service whenever load demand is expected to later increase to the level where there would be no other unit available to meet the demand or to maintain system emergency reserves. To address the problem of reducing load and later returning the load to the unit, the Administrator has revised the proposed emergency condition provisions to give an owner or operator of a unit with a malfunctioning FGD system the option of keeping (or bringing) the unit into spinning reserve when the unit is needed to maintain (or reestablish) system emergency reserves. During this

period, emissions must be controlled to the extent that capability exists within the FGD system, but bypassing emissions would be allowed when the capability of a partially or completely failed FGD system is inadequate. This procedure will allow the unit to operate in spinning reserve rather than being entirely shut down and will ensure that a unit can be quickly restored to service. The final emergency condition provisions permit bypassing of emissions from a unit kept in spinning reserve, but only (1) when the unit is the last one available for maintaining system emergency reserves, (2) when it is operated at the minimum load consistent with keeping the unit in spinning reserve, and (3) has inadequate operational FGD capability at the minimum load to completely control SO_2 emissions. This revision will still normally require load on a malfunctioning unit to be reduced to a minimum level, even if load demand is anticipated to increase later; but it does prevent having to take the unit entirely out of operation and keep it available in spinning reserve to assume load should an emergency arise or as load increases the following day. Because emergency condition periods are a small percentage of total operating hours, this revision to allow bypassing of SO_2 emissions from a unit held in spinning reserve with reduced output is expected to have minor impact on the amount of SO_2 emitted.

One commenter stated that the proposed provisions would not reduce the necessity for additional plant capacity to compensate for lower net reliability. The Administrator does not agree with this comment because the emergency condition provisions allow operation of a unit with a failed FGD system whenever no other generating capacity is available for operation and thereby protects the reliability of electric service. When electric load is shifted from a new steam-electric generating unit to another electric generating unit, there would be no net change in reserves within the power system. Thus, the emergency condition provisions prevent a failed FGD system from impacting upon the utility company's ability to generate electric power and prevents an impact upon reserves needed by the power system to maintain reliable electric service.

A commenter asked that the definition of available system capacity be clarified because (1) some utilities have certain localized areas or zones that, because of system operating parameters, cannot be served by all of the electric generating units which constitute the utility's system capacity, and (2) an affected facility may be the only source of supply for a zone or area. Almost all electric utility generating units in the United States are electrically interconnected through power transmission lines and switching stations. A few isolated units in the U.S. are not interconnected to at least one other electric generating unit and it is possible that a new unit could also be constructed in an isolated area where interconnections would not be practical. For a single, isolated unit where it is not practical to construct interconnections, the emergency condition provisions would apply whenever an FGD malfunction occurred because there would be no other available system capacity to which load could be shifted. It is also possible that two or three units could be interconnected, but not interconnected with a larger power network (e.g., Alaska and Hawaii). To clarify this situation, the definitions of net system capacity, system load, and system emergency reserves have been revised to include only that electric power or capacity interconnected by a network of power transmission facilities. Few units will not be interconnected into a network encompassing the principal and neighboring utility companies. Power plants, including those without FGD systems, are expected to experience electric generating malfunctions and power systems are planned with reserve generating capacity and interconnecting electric transmission lines to provide means of obtaining electricity from alternative generating facilities to meet demand when these occasions arise. Arrangements for an affected facility would typically include an interconnection to a power transmission network even when it is geographically located away from the bulk of the utility company's power system to allow purchase of power from a neighboring utility for those localized service areas when necessary to maintain service reliability. Contract arrangements can provide for trades of power in which a localized zone served by the principal company owning or operating the affected facility is supplied by a neighboring company. The power bought by the principal company can, if desired by the neighboring company, be replaced by operation of other available units in the principal company even if these units are located at a distance from the localized service zone. The proposed definition of emergency condition was contingent upon the purchase of power from another electrical generation facility. To further clarify this relationship, the Administrator has revised the proposed definitions to define the relationship between the principal company (the utility company that owns the generating unit with the malfunctioning FGD system) and the neighboring power companies for the purpose of determining when emergency conditions exist.

A commenter requested that the proposed compliance provisions be revised so that they could not be interpreted to force a utility to operate a partially functional FGD module when extensive damage to the FGD module would occur. For example, a severely vibrating fan must be shut down to prevent damage even though the FGD system may be otherwise functional. The Administrator agrees with this comment and has revised the compliance provisions not to require FGD operation when significant damage to equipment would result.

One commenter asked that the definition of system emergency reserves account for not only the capacity of the single largest generating unit, but also for reserves needed for system load-frequency regulation. Regulation of power frequency can be a problem when the mix of capacitive and reactive loads shift. For example, at night capacitive load of industrial plants can adversely affect power factors. The Administrator disagrees that additional capacity should be kept independent of the load shifting requirements. Under the definition for system emergency reserves, capacity equivalent to the largest single unit in the system was set aside for load management. If frequency regulation has been a particular problem, extra reserve margins would have been maintained by the utility company even if an FGD system were not installed. Reserve capacity need not be maintained within a single generating unit. The utility company can regulate system load-frequency by distributing their system reserves throughout the electric power system as needed. In the Administrator's judgment, these regulations do not impact upon the reserves maintained by the utility company for the purpose of maintaining power system integrity, because the emergency condition provisions do not restrict the utility company's freedom in distributing their reserves and do not require construction of additional reserves.

A commenter asked that utility operators be given the option to ignore the loss of SO_2 removal efficiency due to FGD malfunctions by reducing the level of electric generation from an affected unit. This would control the amount of

SO_2 emitted on a pounds per hour basis, but would also allow and exemption from the percentage of SO_2 removal specified by the SO_2 standards. The Administrator believes that allowing this exemption is not necessary because load can usually be shifted to other electric generating units. This procedure provides an incentive to the owner or operator to properly maintain and operate FGD systems. Under the procedures suggested by the commenter, neglect of the FGD system would be encouraged because an exemption would allow routine operation at reduced percentages of SO_2 removal. Steam generating units are often operated at less than rated capacity and a fully operational FGD system would not be required for compliance during these periods if this exemption were allowed. The procedure suggested by the commenter is also not necessary because FGD modules can be designed and constructed with separate equipment components so that they are routinely capable of independent operation whenever another module of the steam generating unit's FGD system is not available. Thus, reducing the level of electric generation and removing the failed FGD module for servicing would not affect the remainder of the FGD system and would permit the utility to maintain compliance with the standards without having to take the generating unit entirely out of operation. Each module should have the capability of attaining the same percentage reduction of SO_2 from the flue gas it treats regardless of the operability of the other modules in the system to maintain compliance with the standards. Although the efficiency of more than one FGD module may occasionally be affected by certain equipment malfunctions, a properly designed FGD system has no routine need for an exemption from the SO_2 percentage reduction requirement when the unit is operated at reduced load. The Administrator has concluded that the final regulations provide sufficient flexibility for addressing FGD malfunctions and that an exemption from the percentage SO_2 removal requirement is not necessary to protect electric service reliability or to maintain compliance with these SO_2 standards.

Particulate Matter Standard

The final standard limits particulate matter emissions to 13 ng/J (0.03 lb/million Btu) heat input and is based on the application of ESP or baghouse control technology. The final standard is the same as the proposed. The Administrator has concluded that ESP and baghouse control systems are the best demonstrated systems of continuous emission reduction (taking into consideration the cost of achieving such emission reduction, and nonair quality health and enviornmental impacts, and energy requirements) and that 13 ng/J (0.03 lb/million Btu) heat input represents the emission level achievable through the application of these control systems.

One group of commenters indicated that they did not support the proposed standard because in their opinion it would be too expensive for the benefits obtained; and they suggested that the final standard limit emissions to 43 ng/J (0.10 lb/million Btu) heat input which is the same as the current standard under 40 CFR Part 60 Subpart D. The Administrator disagrees with the commenters because the available data clearly indicate that ESP and baghouse control systems are capable of performing at the 13 ng/J (0.03 lb/million Btu) heat input emission level, and the economic impact evaluation indicates that the costs and economic impacts of installing these systems are reasonable.

The number of commenters expressed the opinion that the proposed standard was to strict, particularly for power plants firing low-sulfur coal, because baghouse control systems have not been adequately demonstrated on full-size power plants. The commenters suggested that extrapolation of test data from small scale baghhouse control systems, such as those used to support the proposed standard, to full-size utility applications is not reasonable.

The Administrator believes that baghouse control systems are demonstrated for all sizes of power plants. At the time the standards were proposed, the Administrator concluded that since baghouses are designed and constructed in modules rather than as one large unit, there should be no technological barriers to designing and constructing utility-sized facilities. The largest baghouse-controlled, coal-fired power plant for which EPA had emission test data to support the proposed standard was 44 MW. Since the standards were proposed, additional information has become available which supports the Administrator's position that baghouses are demonstrated for all sizes of power plants. Two large baghouse-controlled, coal-fired power plants have recently initiated operations. EPA has obtained emission data for one of these units. This unit has achieved particulate matter emission levels below 13 ng/J (0.03 lb/million Btu) heat input. The baghouse system for this facility has 28 modules rated at 12.5 MW capacity per module. This supports the Administrator's conclusion that baghouses are designed and constructed in modules rather than as one large unit, and there should be no technological barriers to designing and constructing utility-sized facilities.

One commenter indicated that baghouse control systems are not demonstrated for large utility application at this time and recommended that EPA gather one year of data from 1000 MW of baghouse installations to demonstrate that baghouses can operate reliably and achieve 13 ng/J (0.03 lb/million Btu) heat input. The standard would remain at 21 to 34 ng/J (0.05 to 0.08 lb/million Btu) heat input until such demonstration. The Administrator does not believe this approach is necessary because baghouse control systems have been adequately demonstrated for large utility applications.

One group of commenters supported the proposed standard of 13 ng/J (0.03 lb/million Btu) heat input. They indicated that in their opinion the proposed standard attained the proper balance of cost, energy and environmental factors and was necessary in consideration of expected growth in coal-fired power plant capacity.

Another group of commenters which included the trade association of emission control system manufacturers indicated that 13 ng/J (0.03 lb/million Btu) is technically achievable. The trade association further indicated the proposed standard is technically achievable for either high- or low-sulfur coals, through the use of baghouses, ESPs, or wet scrubbers.

A number of commenters recommended that the proposed standard be lowered to 4 ng/J (0.01 lb/million Btu) heat input. This group of commenters presented additional emission data for utility baghouse control systems to support their recommendation. The data submitted by the commenters were not available at the time of proposal and were for utility units of less than 100 MW electrical output capacity. The commenters suggested that a 4 ng/J (0.01 lb/million Btu) heat input standard is achievable based on baghouse technology, and they suggested that a standard based on baghouse technology would be consistent with the technology-forcing nature of section 111 of the Act. The Administrator believes that the available data base for baghouse performance supports a standard of 13 ng/J (0.03 lb/million Btu) heat input but

does not support a lower standard such as 4 ng/J (0.01 lb/million Btu) heat input.

One commenter suggested that the standard should be set at 26 ng/J (0.06 lb/million Btu) heat imput so that particulate matter control systems would not be necessary for oil-fired utility steam generators. Although it is expected that few oil-fired utility boilers will be constructed, the ESP performance data which is contained in the "Electric Utility Steam Generating Units, Background Information for Promulgated Emission Standards" (EPA 450/3-79-021), supports the conclusion that ESPs are applicable to both oil firing and coal firing. The Administrator believes that emissions from oil-fired utility boilers should be controlled to the same level as coal-fired boilers.

NO_x Standard

The NO_x standards limit emissions to 210 ng/J (0.50 lb/million Btu) heat input from the combustion of subbituminous coal and 260 ng/J (0.60 lb/million Btu) heat imput from the combustion of bituminous coal, based on a 30-day rolling average. In addition, emission limits have been established for other solid, liquid, and gaseous fuels, as discussed in the rational section of this preamble. The final standards differ from the proposed standards only in that the final averaging time for determining compliance with the standards is based on a 30-day rolling average, whereas a 24-hour average was proposed. All comments received during the public comment period were considered in developing the final NO_x standards. The major issues raised during the comment period are discussed below.

One issue concerned the possibility that the proposed 24-hour averaging period for coal might seriously restrict the flexibility boiler operators need during day-to-day operation. For example, several commenters noted that on some boilers the control of boiler tube slagging may periodically require increased excess air levels, which, in turn, would increase NO_x emissions. One commenter submitted data indicating that two modern Combustion Engineering (CE) boilers at the Colstrip, Montana plant of the Montana Power Company do not consistently achieve the proposed NO_x level of 210 ng/J (0.50 lb/million Btu) heat input on a 24-hour basis. The Colstrip boilers burn subbituminous coal and are required to comply with the NO_x standard under 40 CFR Part 60, Subpart D of 300 ng/J (0.70 lb/million Btu) heat input. Several other commenters recommended that the 24-hour averaging period be extended to 30 days to allow for greater operational flexibility.

As an aid in evaluating the operational flexibility question, the Administrator has reviewed a total of 24 months of continuously monitored NO_x data from the two Colstrip boilers. Six months of these data were available to the Administrator before proposal of these standards, and two months were submitted by a commenter. The commenter also submitted a summary of 28 months of Colstrip data indicating the number of 24-hour averages per month above 210 ng/J (0.50 lb/million Btu) heat input. The remaining Colstrip data were obtained by the Administrator from the State of Montana after proposal. In addition to the Colstrip data, the Administrator has reviewed approximately 10 months of continuously monitored NO_x data from five modern CE utility boilers. Three of the boilers burn subbituminous coal, two burn bituminous coal, and all five have monitors that have passed certification tests. These data were obtained from electric utility companies after proposal. A summary of all of the continuously monitored NO_x data that the Administrator has considered appears in "Electric Utility Steam Generating Units, Background Information for Promulgated Emission Standards" (EPA 450/3-79-021).

The usefulness of these continuously monitored data in evaluating the ability of modern utility boilers to continuously achieve the NO_x emission limits of 210 and 260 ng/J (0.50 and 0.60 lb/million Btu) heat input is somewhat limited. This is because the boilers were required to comply with a higher NO_x level of 300 ng/J (0.70 lb/million Btu) heat input. Nevertheless some conclusions can be drawn, as follows:

(1) Nearly all of the continuously monitored NO_x data are in compliance with the boiler design limit of 300 ng/J (0.70 lb/million Btu) heat input on the basis of a 24-hour average.

(2) Most of the continuously monitored NO_x data would be in compliance with limits of 260 ng/J (0.60 lb/million Btu) heat input for bituminous coal ov 210 ng/J (0.50 lb/million Btu) heat input for subbituminous coal when averaged over a 30-day period. Some of the data would be out of compliance based on a 24-hour average.

(3) The volume of continuously monitored NO_x emission data evaluated by the Administrator (34 months from seven large coal-fired boilers) is sufficient to indicate the emission variability expected during day-to-day operation of a utility-size boiler. In the Administrator's judgment, this emission variability adequately represents slagging conditions, coal variability, load changes, and other factors that may influence the level of NO_x emissions.

(4) The variability of continuously monitored NO_x data is sufficient to cause some concern over the ability of a utility boiler that burns solid fuel to consistently achieve a NO_x boiler design limit, whether 300, 260, or 210 ng/J (0.70, 0.60, or 0.50 lb/million Btu) heat input, based on 24-hour averages. In contrast, it appears that there would be no difficulty in achieving the boiler design limit based on 30-day periods.

Based on these conclusions, the Administrator has decided to require compliance with the final standards for solid fuels to be based on a 30-day rolling average. The Administrator believes that the 30-day rolling average will allow boilers made by all four major boiler manufacturers to achieve the standards while giving boiler operators the flexibility needed to handle conditions encountered during normal operation.

Although the Administrator has not evaluated continuously monitored NO_x data from boilers manufactured by companies other than CE, the data from CE boilers are considered representative of the other boiler manufacturers. This is because the boilers of all four manufacturers are capable of achieving the same NO_x design limit, and because the conditions that occur during normal operation of a boiler (e.g., slagging, variations in fuel quality, and load reductions) are similar for all four manufacturer designs. These conditions, the Administrator believes, lead to similar emission variability and require essentially the same degree of operational flexibility.

Some commenters have question the validity of the Colstrip data because the Colstrip continuous NO_x monitors have not passed certification tests. In April and June of 1978 EPA conducted a detailed evaluation of these monitors. The evaluation led the Administrator to conclude that the monitors were probably biased high, but by less than 21 ng/J (0.50 lb/million Btu) heat input. Since this error is so small (less than 10 percent), the Administrator considers the data appropriate to use in developing the standards.

A number of commenters expressed concern over the ability of as many as three of the four major boiler manufacturer designs to achieve the proposed standards. Although most of the available NO_x test data are from CE boilers, the Administrator believes that all four of the boiler manufacturers will be able to supply boilers capable of

achieving the standards. This conclusion is supported with (1) emission test results from 14 CE, seven Babcock and Wilcox (B&W), three Foster Wheeler (FW), and four Riley Stoker (RS) utility boilers; (2) 34 months of continuously monitored NO_x emission data from seven CE boilers; and (3) an evaluation of plans under way at B&W, FW, and RS to develop low-emission burners and furnace designs. Full-scale tests of these burners and furnace designs have proven their effectiveness in reducing NO_x emissions without apparent long-term adverse side effects.

Another issue raised by commenters concerned the effect that variations in the nitrogen content of coal may have on achieving the NO_x standards. The Adminstrator recognizes that NO_x levels are sensitive to the nitrogen content of the coal burned and that the combustion of high-nitrogen-content coals might be expected to result in higher NO_x emissions than those from coals with low nitrogen contents. However, the Administrator also recognizes that other factors contribute to NO_x levels, including moisture in the coal, boiler design, and boiler operating practice. In the Administrator's judgment, the emission limits for NO_x are achievable with properly designed and operated boilers burning any coal, regardless of its nitrogen content. As evidence of this, three of the six boilers tested by EPA burned coals with nitrogen contents above average, and yet exhibited NO_x emission levels well below the standards. The three boilers that burned coals with lower nitrogen contents also exhibited emission levels below the standards. The Administrator believes this is evidence that at NO_x levels near 210 and 260 ng/J (0.50 and 0.60 lb/million Btu) heat input, factors other than fuel-nitrogen-content predominate in determining final emission levels.

A number of commenters expressed concern over the potential for accelerated tube wastage (i.e., corrosion) during operation of a boiler in compliance with the proposed standards. Almost all of the 300-hour and 30-day coupon corrosion tests conducted during the EPA-sponsored low-NO_x studies indicate that corrosion rates decrease or remain stable during operation of boilers at NO_x levels as low as those required by the standards. In the few instances where corrosion rates increased during low-NO_x operation, the increases were considered minor. Also, CE has guaranteed that its new boilers will achieve the NO_x emission limits without increased tube corrosion rates. Another boiler manufacturer, B&W, has developed new low-emission burners that minimize corrosion by surrounding the flame in an oxygen-rich atmosphere. The other boiler manufacturers have also developed techniques to reduce the potential for corrosion during low-NO_x operation. The Administrator has received no contrasting information to the effect that boiler tube corrosion rates would significantly increase as a result of compliance with the standards.

Several commenters stated that according to a survey of utility boilers subject to the 300 ng/J (0.70 lb/million Btu) heat input standard under 40 CFR Part 60, Subpart D, none of the boilers can achieve the standard promulgated here of 260 ng/J (0.60 lb/million Btu) heat input on a range of bituminous coals. Three of the six utility boilers tested by EPA burned bituminous coal. (Two of these boilers were manufactured by CE and one by B&W.) In addition, the Administrator has reviewed continuously monitored NO_x data from two CE boilers that burn bituminous coal. Finally, the Administrator has examined NO_x emission data obtained by the boiler manufacturers on seven CE, four B&W, three FW, and three RS modern boilers, all of which burn bituminous coal. Nearly all of these data are below the 260 ng/J (0.60 lb/million Btu) heat input standard. The Administrator believes that these data provide adequate evidence that the final NO_x standard for bituminous coal is achievable by all four boiler manufacturer designs.

An issue raised by several commenters concerned the use of catalytic ammonia injection and advanced low-emission burners to achieve NO_x emission levels as low as 15 ng/J (0.034 lb/million Btu) heat input. Since these controls are not yet available, the commenters recommended that new utility boilers be designed with sufficient space to allow for the installation of ammonia injection and advanced burners in the future. In the meantime the commenters recommended that NO_x emissions be limited to 190 ng/J (0.45 lb/million Btu) heat input. The Administrator believes that the technology needed to achieve NO_x levels as low as 15 ng/J (0.034 lb/million Btu) heat input has not been adequately demonstrated at this time. Although a pilot-scale catalytic-ammonia-injection system has successfully achieved 90 percent NO_x removal at a coal-fired utility power plant in Japan, operation of a full-scale ammonia-injection system has not yet been demonstrated on a large coal-fired boiler. Since the Clean Air Act requires that emission control technology for new source performance standards be adequately demonstrated, the Administrator cannot justify establishing a low NO_x standard based on unproven technology. Similarly, the Administrator cannot justify requiring boiler designs to provide for possible future installation of unproven technology.

The recommendation that NO_x emissions be limited to 190 ng/J (0.45 lb/million Btu) heat input is based on boiler manufacturer guarantees in California. (No such utility boilers have been built as yet.) Although manufacturer guarantees are appropriate to consider when establishing emission limits, they cannot always be used as a basis for a standard. As several commenters have noted, manufacturers do not always achieve their performance guarantees. The standard is not established at this level, because emission test data are not available which demonstrate that a level of 190 ng/J (0.45 lb/million Btu) heat input can be continuously achieved without adverse side effects when a wide variety of coals are burned.

Regulatory Analysis

Executive Order 12044 (March 24, 1978), whose objective is to improve Government regulations, requires executive branch agencies to prepare regulatory analyses for regulations that may have major economic consequences. EPA has extensively analyzed the costs and other impacts of these regulations. These analyses, which meet the criteria for preparation of a regulatory analysis, are contained within the preamble to the proposed regulations (43 FR 42154), the background documentation made available to the public at the time of proposal (see STUDIES, 43 FR 42171), this preamble, and the additional background information document accompanying this action ("Electric Utility Steam Generating Units, Background Information for Promulgated Emission Standards," EPA-450/3-79-021). Due to the volume of this material and its continual development over a period of 2-3 years, it is not practical to consolidate all analyses into a single document. The following discussion gives a summary of the most significant alternatives considered. The rationale for the action taken for each pollutant being regulated is given in a previous section.

In order to determine the appropriate form and level of control for the standards, EPA has performed extensive analysis of the potential national impacts associated with the alternative standards. EPA employed economic models to forecast the structure and

operating characteristics of the utility industry in future years. These models project the environmental, economic, and energy impacts of alternative standards for the electric utility industry. The major analytical efforts took place in three phases as described below.

Phase 1. The initial effort comprised a preliminary analysis completed in April 1978 and a revised assessment completed in August 1978. These analyses were presented in the September 19, 1978 Federal Register proposal (43 FR 42154). Corrections to the September proposal package and additional information was published on November 27, 1978 (43 FR 55258). Further details of the analyses can be found in "Background Information for Proposed SO_2 Emission Standards—Supplement," EPA 450/2-78-007a-1.

Phase 2. Following the September 19 proposal, the EPA staff conducted additional analysis of the economic, environmental, and energy impacts associated with various alternative sulfur dioxide standards. As part of this effort, the EPA staff met with representatives of the Department of Energy, Council of Economic Advisors, Council on Wage and Price Stability, and others for the purpose of reexamining the assumptions used for the August analysis and to develop alternative forms of the standard for analysis. As a result, certain assumptions were changed and a number of new regulatory alternatives were defined. The EPA staff again employed the economic model that was used in August to project the national and regional impacts associated with each alternative considered.

The results of the phase 2 analysis were presented and discussed at the public hearings in December and were published in the Federal Register on December 8, 1978 (43 FR 7834).

Phase 3. Following the public hearings, the EPA staff continued to analyze the impacts of alternative sulfur dioxide standards. There were two primary reasons for the continuing analysis. First, the detailed analysis (separate from the economic modeling) of regional coal production impacts pointed to a need to investigate a range of higher emission limits.

Secondly, several comments were received from the public regarding the potential of dry sulfur dioxide scrubbing systems. The phase 1 and phase 2 analyses had assumed that utilities would use wet scrubbers only. Since dry scrubbing costs substantially less then wet scrubbing, adoption of the dry technology would substantially change the economic, energy, and environmental impacts of alternative sulfur dioxide standards. Hence, the phase 3 analysis focused on the impacts of alternative standards under a range of emission ceilings assuming both wet technology and the adoption of dry scrubbing for applications in which it is technically and economically feasible.

Impacts Analyzed

The environmental impacts of the alternative standards were examined by projecting pollutant emissions. The emissions were estimated nationally and by geographic region for each plant type, fuel type, and age category. The EPA staff also evaluated the waste products that would be generated under alternative standards.

The economic and financial effects of the alternatives were examined. This assessment included an estimation of the utility capital expenditures for new plant and pollution control equipment as well as the fuel costs and operating and maintenance expenses associated with the plant and equipment. These costs were examined in terms of annualized costs and annual revenue requirements. The impact on consumers was determined by analyzing the effect of the alternatives on average consumer costs and residential electric bills. The alternatives were also examined in terms of cost per ton of SO_2 removal. Finally, the present value costs of the alternatives were calculated.

The effects of the alternative proposals on energy production and consumption were also analyzed. National coal use was projected and broken down in terms of production and consumption by geographic region. The amount of western coal shipped to the Midwest and East was also estimated. In addition, utility consumption of oil and natural gas was analyzed.

Major Assumptions

Two types of assumptions have an important effect on the results of the analyses. The first group involves the model structure and characteristics. The second group includes the assumptions used to specify future economic conditions.

The utility model selected for this analysis can be characterized as a cost minimizing economic model. In meeting demand, it determines the most economic mix of plant capacity and electric generation for the utility system, based on a consideration of construction and operating costs for new plants and variable costs for existing plants. It also determines the optimum operating level for new and existing plants. This economic-based decision criteria should be kept in mind when analyzing the model results. These criteria imply, for example, that all utilities base decisions on lowest costs and that neutral risk is associated with alternative choices.

Such assumptions may not represent the utility decision making process in all cases. For example, the model assumes that a utility bases supply decisions on the cost of constructing and operating new capacity versus the cost of operating existing capacity. Environmentally, this implies a tradeoff between emissions from new and old sources. The cost minimization assumption implies that in meeting the standard a new power plant will fully scrub high-sulfur coal if this option is cheaper than fully or partially scrubbing low-sulfur coal. Often the model will have to make such a decision, especially in the Midwest where utilities can choose between burning local high-sulfur or imported western low-sulfur coal. The assumption of risk neutrality implies that a utility will always choose the low-cost option. Utilities, however, may perceive full scrubbing as involving more risks and pay a premium to be able to partially scrub the coal. On the other hand, they may perceive risks associated with long-range transportation of coal, and thus opt for full control even though partial control is less costly.

The assumptions used in the analyses to represent economic conditions in a given year have a significant impact on the final results reached. The major assumptions used in the analyses are shown in Table 1 and the significance of these parameters is summarized below.

The growth rate in demand for electric power is very important since this rate determines the amount of new capacity which will be needed and thus directly affects the emission estimates and the projections of pollution control costs. A high electric demand growth rate results in a larger emission reduction associated with the proposed standards and also results in higher costs.

The nuclear capacity assumed to be installed in a given year is also important to the analysis. Because nuclear power is less expensive, the model will predict construction of new nuclear plants rather than new coal plants. Hence, the nuclear capacity assumption affects the amount of new coal capacity which will be required to meet a given electric demand level. In practice, there are a number of constraints which limit the amount of nuclear capacity which can be constructed, but for this study, nuclear capacity was specified approximately

equal to the moderate growth projections of the Department of Energy.

The oil price assumption has a major impact on the amount of predicted new coal capacity, emissions, and oil consumption. Since the model makes generation decisions based on cost, a low oil price relative to the cost of building and operating a new coal plant will result in more oil-fired generation and less coal utilization. This results in less new coal capacity which reduces capital costs but increases oil consumption and fuel costs because oil is more expensive per Btu than coal. This shift in capacity utilization also affects emissions, since an existing oil plant generally has a higher emission rate than a new coal plant even when only partial control is allowed on the new plant.

Coal transportation and mine labor rates both affect the delivered price of coal. The assumed transportation rate is generally more important to the predicted consumption of low-sulfur coal (relative to high-sulfur coal), since that is the coal type which is most often shipped long distances. The assumed mining labor cost is more important to eastern coal costs and production estimates since this coal production is generally much more labor intensive than western coal.

Because of the uncertainty involved in predicting future economic conditions, the Administrator anticipated a large number of comments from the public regarding the modeling assumptions. While the Administrator would have liked to analyze each scenario under a range of assumptions for each critical parameter, the number of modeling inputs made such an approach impractical. To decide on the best assumptions and to limit the number of sensitivity runs, a joint working group was formed. The group was comprised of representatives from the Department of Energy, Council of Economic Advisors, Council on Wage and Price Stability, and others. The group reviewed model results to date, identified the key inputs, specified the assumptions, and identified the critical parameters for which the degree of uncertainty was such that sensitivity analyses should be performed. Three months of study resulted in a number of changes which are reflected in Table 1 and discussed below. These assumptions were used in both the phase 2 and phase 3 analyses.

After more evaluation, the joint working group concluded that the oil prices assumed in the phase 1 analysis were too high. On the other hand, no firm guidance was available as to what oil prices should be used. In view of this, the working group decided that the best course of action was to use two sets of oil prices which reflect the best estimates of those governmental entities concerned with projecting oil prices. The oil price sensitivity analysis was part of the phase 2 analysis which was distributed at the public hearing. Further details are available in the draft report, "Still Further Analysis of Alternative New Source Performance Standards for New Coal-Fired Power Plants (docket number IV–A–5)." The analysis showed that while the variation in oil price affected the magnitude of emissions, costs, and energy impacts, price variation had little effect on the relative impacts of the various NSPS alternatives tested. Based on this conclusion, the higher oil price was selected for modeling purposes since it paralleled more closely the middle range projections by the Department of Energy.

Reassessment of the assumptions made in the phase 1 analysis also revealed that the impact of the coal washing credit had not been considered in the modeling analysis. Other credits allowed by the September proposal, such as sulfur removed by the pulverizers or in bottom ash and flyash, were determined not to be significant when viewed at the national and regional levels. The coal washing credit, on the other hand, was found to have a significant effect on predicted emissions levels and, therefore, was factored into the analysis.

As a result of this reassessment, refinements also were made in the fuel gas desulfurization (FGD) costs assumed. These refinements include changes in sludge disposal costs, energy penalties calculated for reheat, and module sizing. In addition, an error was corrected in the calculation of partial scrubbing costs. These changes have resulted in relatively higher partial scrubbing costs when compared to full scrubbing.

Changes were made in the FGD availability assumption also. The phase 1 analysis assumed 100 percent availability of FGD systems. This assumption, however, was in conflict with EPA's estimates on module availability. In view of this, several alternatives in the phase 2 analysis were modeled at lower system availabilities. The assumed availability was consistent with a 90 percent availability for individual modules when the system is equipped with one spare. The analysis also took into consideration the emergency by-pass provisions of the proposed regulation. The analysis showed that lower reliabilities would result in somewhat higher emissions and costs for both the partial and full control cases. Total coal capacity was slightly lower under full control and slightly higher under partial control. While it was postulated that the lower reliability assumption would produce greater adverse impacts on full control than on partial control options, the relative differences in impacts were found to be insignificant. Hence, the working group discarded the reliability issue as a major consideration in the analyzing of national impacts of full and partial control options. The Administrator still believes that the newer approach better reflects the performance of well designed, operated, and maintained FGD systems. However, in order to expedite the analyses, all subsequent alternatives were analyzed with an assumed system reliability of 100 percent.

Another adjustment to the analysis was the incorporation of dry SO_2 scrubbing systems. Dry scrubbers were assumed to be available for both new and retrofit applications. The costs of these systems were estimated by EPA's Office of Research and Development based on pilot plant studies and contract prices for systems currently under construction. Based on economic analysis, the use of dry scrubbers was assumed for low-sulfur coal (less than 1290 ng/J or 3 lb SO_2/million Btu) applications in which the control requirement was 70 percent or less. For higher sulfur content coals, wet scrubbers were assumed to be more economical. Hence, the scenarios characterized as using "dry" costs contain a mix of wet and dry technology whereas the "wet" scenarios assume wet scrubbing technology only.

Additional refinements included a change in the capital charge rate for pollution control equipment to conform to the Federal tax laws on depreciation, and the addition of 100 billion tons of coal reserves not previously accounted for in the model.

Finally, a number of less significant adjustments were made. These included adjustments in nuclear capacity to reflect a cancellation of a plant, consideration of oil consumption in transporting coal, and the adjustment of costs to 1978 dollars rather than 1975 dollars. It should be understood that all reported costs include the costs of complying with the proposed particulate matter standard and NO_x standards, as well as the sulfur dioxide alternatives. The model does not incorporate the Agency's PSD regulations nor

forthcoming requirements to protect visibility.

Public Comments

Following the September proposal, a number of comments were received on the impact analysis. A great number focused on the model inputs, which were reviewed in detail by the joint working group. Members of the joint working group represented a spectrum of expertise (energy, jobs, environment, inflation, commerce). The following paragraphs discuss only those comments addressed to parts of the analysis which were not discussed in the preceding section.

One commenter suggested that the costs of complying with State Implementation Plan (SIP) regulations and prevention of significant deterioration requirements should not be charged to the standards. These costs are not charged to the standards in the analyses. Control requirements under PSD are based on site specific, case-by-case decisions for which the standards serves as a minimum level of control. Since these judgments cannot be forecasted accurately, no additional control was assumed by the model beyond the requirements of these standards. In addition, the cost of meeting the various SIP regulations was included as a base cost in all the scenarios modeled. Thus, any forecasted cost differences among alternative standards reflect differences in utility expenditures attributable to changes in the standards only.

Another commenter believed that the time horizon for the analysis (1990/1995) was too short since most plants on line at that time will not be subject to the revised standard. Beyond 1995, our data show that many of the power plants on line today will be approaching retirement age. As utilization of older capacity declines, demand will be picked up by newer, better controlled plants. As this replacement occurs, national SO_2 emissions will begin to decline. Based on this projection, the Administrator believes that the 1990–1995 time frame will represent the peak years for SO_2 emissions and is, therefore, the relevant time frame for this analysis.

Use of a higher general inflation rate was suggested by one commenter. A distinction must be made between general inflation rates and real cost escalation. Recognizing the uncertainty of future inflation rates, the EPA staff conducted the economic analysis in a manner that minimized reliance on this assumption. All construction, operating, and fuel costs were expressed as constant year dollars and therefore the analysis is not affected by the inflation rate. Only real cost escalation was included in the economic analysis. The inflation rates will have an impact on the present value discount rate chosen since this factor equals the inflation rate plus the real discount rate. However, this impact is constant across all scenarios and will have little impact on the conclusions of the analysis.

Another commenter opposed the presentation of economic impacts in terms of monthly residential electric bills, since this treatment neglects the impact of higher energy costs to industry. The Administrator agrees with this comment and has included indirect consumer impacts in the analysis. Based on results of previous analysis of the electric utility industry, about half of the total costs due to pollution control are felt as direct increases in residential electric bills. The increased costs also flow into the commercial and industrial sectors where they appear as increased costs of consumer goods. Since the Administrator is unaware of any evidence of a multiplier effect on these costs, straight cost pass through was assumed. Based on this analysis, the indirect consumer impacts (Table 5) were concluded to be equal to the monthly residential bills ("Economic and Financial Impacts of Federal Air and Water Pollution Controls on the Electric Utility Industry," EPA–230/3–76/013, May 1976).

One utility company commented that the model did not adequately simulate utility operation since it did not carry out hour-by-hour dispatch of generating units. The model dispatches by means of load duration curves which were developed for each of 35 demand regions across the United States. Development of these curves took into consideration representative daily load curves, traditional utility reserve margins, seasonal demand variations, and historical generation data. The Administrator believes that this approach is adequate for forecasting long-term impacts since it plans for meeting short-term peak demand requirements.

Summary of Results

The final results of the analyses are presented in Tables 2 through 5 and discussed below. For the three alternative standards presented, emission limits and percent reduction requirements are 30-day rolling averages, and each standard was analyzed with a particulate standard of 13 ng/J (0.03 lb/million Btu) and the proposed NO_x standards. The full control option was specified as a 520 ng/J (1.2 lb/million Btu) emission limit with a 90 percent reduction in potential SO_2 emissions. The other options are the same as full control except when the emissions to the atmosphere are reduced below 260 ng/J (0.6 lb/million Btu) in which case the minimum percent reduction requirement is reduced. The variable control option requires a 70 percent minimum reduction and the partial control option has a 33 percent minimum reduction requirement. The impacts of each option were forecast first assuming the use of wet scrubbers only and then assuming introduction of dry scrubbing technology. In contrast to the September proposal which focused on 1990 impacts, the analytical results presented today are for the year 1995. The Administrator believes that 1995 better represents the differences among alternatives since more new plants subject to the standard will be on line by 1995. Results of the 1990 analyses are available in the public record.

Wet Scrubbing Results

The projected SO_2 emissions from utility boilers are shown by plant type and geographic region in Tables 2 and 3. Table 2 details the 1995 national SO_2 emissions resulting from different plant types and age groups. These standards will reduce 1995 SO_2 emissions by about 3 million tons per year (13 percent) as compared to the current standards. The emissions from new plants directly affected by the standards are reduced by up to 55 percent. The emission reduction from new plants is due in part to lower emission rates and in part to reduced coal consumption predicted by the model. The reduced coal consumption in new plants results from the increased cost of constructing and operating new coal plants due to pollution controls. With these increased costs, the model predicts delays in construction of new plants and changes in the utilization of these plants after start-up. Reduced coal consumption by new plants is accompanied by higher utilization of existing plants and combustion turbines. This shift causes increased emissions from existing coal- and oil-fired plants, which partially offsets the emission reductions achieved by new plants subject to the standard.

Projections of 1995 regional SO_2 emissions are summarized in Table 3. Emissions in the East are reduced by about 10 to 13 percent as compared to predictions under the current standards, whereas Midwestern emissions are reduced only slightly. The smaller reductions in the Midwest are due to a slow growth of new coal-fired capacity.

In general, introductions of coal-fired capacity tends to reduce emissions since new coal plants replace old coal- and oil-fired units which have higher emission rates. The greatest emission reduction occurs in the West and West South Central regions where significant growth is expected and today's emissions are relatively low. For these two regions combined, the full control option reduces emissions by 40 percent from emission levels under the current standards, while the partial and variable options produce reductions of about 30 percent.

Table 4 illustrates the effect of the proposed standards on 1995 coal production, western coal shipped east, and utility oil and gas consumption. National coal production is predicted to triple by 1995 under all the alternative standards. This increased demand raises production in all regions of the country as compared to 1975 levels. Considering these major increases in national production, the small production variations among the alternatives are not large. Compared to production under the current standards, production is down somewhat in the West, Northern Great Plains, and Appalachia, while production is up in the Midwest. These shifts occur because of the reduced economic advantage of low-sulfur coals under the revised standards. While three times higher than 1975 levels, western coal shipped east is lower under all options than under the current standards.

Oil consumption in 1975 was 1.4 million barrels per day. The 3.1 million barrels per day figure for 1975 consumption in Table 4 includes utility natural gas consumption (equivalent of 1.7 million barrels per day) which the analysis assumed would be phased out by 1990. Hence, in 1995, the 1.4 million barrel per day projection under current standards reflects retirement of existing oil capacity and offsetting increases in consumption due to gas-to-oil conversions.

Oil consumption by utilities is predicted to increase under all the options. Compared to the current standards, increased consumption is 200,000 barrels per day under the partial and variable options and 400,000 barrels per day under full control. Oil consumption differences are due to the higher costs of new coal plants under these standards, which causes a shift to more generation from existing oil plants and combustion turbines. This shift in generation mix has important implications for the decision-making process, since the only assumed constraint to utility oil use was the price. For example, if national energy policy imposes other constraints which phase out or stabilize oil use for electric power generation, then the differences in both oil consumption and oil plant emissions (Table 2) across the various standards will be mitigated. Constraining oil consumption, however, will spread cost differences among standards.

The economic effects in 1995 are shown in Table 5. Utility capital expenditures increase under all options as compared to the $770 billion estimated to be required through 1995 in the absence of a change in the standard. The capital estimates in Table 5 are increments over the expenditures under the current standard and include both plant capital (for new capacity) and pollution control expenditures. As shown in Table 2, the model estimates total industry coal capacity to be about 17 GW (3 percent) greater under the non-uniform control options. The cost of this extra capacity makes the total utility capital expenditures higher under the partial and variable options, than under the full control option, even though pollution control capital is lower.

Annualized cost includes levelized capital charges, fuel costs, and operation and maintenance costs associated with utility equipment. All of the options cause an increase in annualized cost over the current standards. This increase ranges from a low of $3.2 billion for partial control to $4.1 billion for full control, compared to the total utility annualized costs of about $175 billion.

The average monthly bill is determined by estimating utility revenue requirements which are a function of capital expenditures, fuel costs, and operation and maintenance costs. The average bill is predicted to increase only slightly under any of the options, up to a maximum 3-percent increase shown for full control. Over half of the large total increase in the average monthly bill over 1975 levels ($25.50 per month) is due to a significant increase in the amount of electricity used by each customer. Pollution control expenditures, including those to meet the current standards, account for about 15 percent of the increase in the cost per kilowatt-hour while the remainder of the cost increase is due to capital intensive capacity expansion and real escalations in construction and fuel cost.

Indirect consumer impacts range from $1.10 to $1.60 per month depending on the alternative selected. Indirect consumer impacts reflect increases in consumer prices due to the increased energy costs in the commercial and industrial sectors.

The incremental costs per ton of SO_2 removal are also shown in Table 5. The figures are determined by dividing the change in annualized cost by the change in annual emissions, as compared to the current standards. These ratios are a measure of the cost effectiveness of the options, where lower ratios represent a more efficient resource allocation. All the options result in higher cost per ton than the current standards with the full control option being the most expensive.

Another measure of cost effectiveness is the average dollar-per-ton cost at the plant level. This figure compares total pollution control cost with total SO_2 emission reduction for a model plant. This average removal cost varies depending on the level of control and the coal sulfur content. The range for full control is from $325 per ton on high-sulfur coal to $1,700 per ton on low-sulfur coal. On low-sulfur coals, the partial control cost is $2,000 per ton, and the variable cost is $1,700 per ton.

The economic analyses also estimated the net present value cost of each option. Present value facilitates comparison of the options by reducing the streams of capital, fuel, and operation and maintenance expenses to one number. A present value estimate allows expenditures occurring at different times to be evaluated on a similar basis by discounting the expenditures back to a fixed year. The costs chosen for the present value analysis were the incremental utility revenue requirements relative to the current NSPS. These revenue requirements most closely represent the costs faced by consumers. Table 5 shows that the present value increment for 1995 capacity is $41 billion for full control, $37 billion for variable control, and $32 billion for partial control.

Dry Scrubbing Results

Tables 2 through 5 also show the impacts of the options under the assumption that dry SO_2 scrubbing systems penetrate the pollution control market. These analyses assume that utilities will install dry scrubbing systems for all applications where they are technologically feasible and less costly than wet systems. (See earlier discussion of assumptions.)

The projected SO_2 emissions from utility boilers are shown by plan type and geographic region in Tables 2 and 3. National emission projections are similar to the wet scrubbing results. Under the dry control assumption, however, the variable control option is predicted to have the lowest national

emissions primarily due to lower oil plant emissions relative to the full control option. Partial control produces more emissions than variable control because of higher emissions from new plants. Compared to the current standards, regional emission impacts are also similar to the wet scrubbing projections. Full control results in the lowest emissions in the West, while variable control results in the lowest emissions in the East. Emissions in the Midwest and West South Central are relatively unaffected by the options.

Inspection of Tables 2 and 3 shows that with the dry control assumption the current standard, full control, and partial control cases produce slightly higher emissions than the corresponding wet control cases. This is due to several factors, the most important of which is a shift in the generation mix. This shift occurs because dry scrubbers have lower capital costs and higher variable costs than wet scrubbers and, therefor, the two systems have different effects on the plant utilization rates. The higher variable costs are due primarily to transportation charges on intermediate to low sulfur coal which must be used with dry scrubbers. The increased variable cost of dry controls alters the dispatch order of existing plants so that older, uncontrolled plants operate at relatively higher capacity factors than would occur under the wet scrubbing assumption, hence increasing total emissions. Another factor affecting emissions is utility coal selection which may be altered by differences in pollution control costs.

Table 4 shows the effect to the proposed standards on fuels in 1995. National coal production remains essentially the same whether dry or wet controls are assumed. However, the use of dry controls causes a slight reallocation in regional coal production, except under a full control option where dry controls cannot be applied to new plants. Under the variable and partial options Appalachian production increases somewhat due to greater demand for intermediate sulfur coals while Midwestern coal production declines slightly. The non-uniform options also result in a small shifting in the western regions with Northern Great Plains production declining and production in the rest of West increasing. The amount of western coal shipped east under the current standard is reduced from 122 million to 99 million tons (20% decrease) due to the increased use of eastern intermediate sulfur coals for dry scrubbing applications. Western coal shipped east is reduced further by the revised standards, to a low of 55 million tons under full control. Oil impacts under the dry control assumption are identical to the wet control cases, with full control resulting in increased consumption of 200 thousand barrels per day relative to the partial and variable options.

The 1995 economic effects of these standards are presented in Table 5. In general, the dry control assumption results in lower costs. However, when comparing the dry control costs to the wet control figures it must be kept in mind that the cost base for comparison, the current standards, is different under the dry control and wet control assumptions. Thus, while the uncremental costs of full control are higher under the dry scrubber assumption the total costs of meeting the standard is lower than if wet controls were used.

The economic impact figures show that when dry controls are assumed the cost savings associated with the variable and partial options is significantly increased over the wet control cases. Relative to full control the partial control option nets a savings of $1.4 billion in annualized costs which equals a $14 billion net present value savings. Variable control results in a $1.1 billion annualized cost savings which is a savings of $12 billion in net present value. These changes in utility costs affect the average residential bill only slightly, with partial control resulting in a savings of $.50 per month and variable control savings of $.40 per month on the average bill, relative to full control.

Conclusions

One finding that has been clearly demonstrated by the two years of analysis is that lower emission standards on new plants do not necessarily result in lower national SO_2 emissions when total emissions from the entire utility system are considered. There are two reasons for this finding. First, the lowest emissions tend to result from strategies that encourage the construction of new coal capacity. This capacity, almost regardless of the alternative analyzed, will be less polluting than the existing coal- or oil-fired capacity that it replaces. Second, the higher cost of operating the new capacity (due to higher pollution costs) may cause the newer, cleaner plants to be utilized less than they would be under a less stringent alternative. These situations are demonstrated by the analyses presented here.

The variable control option produces emissions that are equal to or lower than the other options under both the wet and dry scrubbing assumptions. Compared to full control, variable control is predicted to result in 12 GW to 17 GW more coal capacity. This additional capacity replaces dirtier existing plants and compensates for the slight increase in emissions from new plants subject to the standards, hence causing emissions to be less than or equal to full control emissions depending on scrubbing cost assumption (i.e., wet or dry). Partial control and variable control produce about the same coal capacity, but the additional 300 thousand ton emission reduction from new plants causes lower total emissions under the variable option. Regionally, all the options produce about the same emissions in the Midwest and West South Central regions. Full control produces 200 thousands tons less emissions in the West than the variable option and 300 thousand tons less than partial control. But the variable and partial options produce between 200 and 300 thousand tons less emissions in the East.

The variable and partial control options have a clear advantage over full control with respect to costs under both the wet and dry scrubbing assumptions. Under the dry assumption, which the Administrator believes represents the best prediction of utility behavior, variable control saves about $1.1 billion per year relative to full control and partial control saves an additional $0.3 billion.

All the options have similar impacts on coal production especially when considering the large increase predicted over 1975 production levels. With respect to oil consumption, however, the full control option causes a 200,000 barrel per day increase as compared to both the partial and variable options.

Based on these analyses, the Administrator has concluded that a non-uniform control strategy is best considering the environmental, energy, and economic impacts at both national and regional levels. Compared to other options analyzed, the variable control standard presented above achieves the lowest emissions in an efficient manner and will not disrupt local or regional coal markets. Moreover, this option avoids the 200 thousand barrel per day oil penalty which has been predicted under a number of control options. For these reasons, the Administrator believes that the variable control option provides the best balance of national environmental, energy, and economic objectives.

Table 1.—*Key Modeling Assumptions*

Assumption	
Growth rates	1975–1985: 4.8%/yr. 1985–1995: 4.0%.
Nuclear capacity	1985: 97 GW. 1990: 165. 1995: 228.
Oil prices ($ 1975)	1985: $12.90/bbl. 1990: $16.40. 1995: $21.00.
Coal transportation	1% per year real increase.
Coal mining labor costs	U.M.W. settlement and 1% real increase thereafter.
Capital charge rate	12.5% for pollution control expenditures.
Cost reporting basis	1978 dollars.
FGD costs	No change from phase 2 analysis except for the addition of dry scrubbing systems for certain applications.
Coal cleaning credit	5%–35% SO_2 reduction assumed for high sulfur bituminous coals only.
Bottom ash and fly ash content	No credit assumed.

Table 2.—*National 1995 SO_2 Emissions From Utility Boilers*[a]

[Million tons]

Plant category	1975 actual	Level of control[b]: Current standards		Full control		Partial control 33% minimum		Variable control 70% minimum	
		Wet[d]	*Dry*[e]	*Wet*	*Dry*	*Wet*	*Dry*	*Wet*	*Dry*
SIP/NSPS Plants[c]		15.5	15.8	16.0	16.2	15.9	16.2	16.0	16.1
New Plants[f]		7.1	7.0	3.1	3.1	3.6	3.4	3.3	3.1
Oil Plants		1.0	1.0	1.4	1.4	1.3	1.2	1.3	1.2
Total National Emissions	18.6	23.7	23.8	20.6	20.7	20.8	20.9	20.8	20.5
Total Coal Capacity (GW)	205	552	554	521	520	534	537	533	537
Sludge generated (million tons dry)		23	27	55	56	43	39	50	41

[a] Results of joint EPA/DOE analyses completed in May 1979 based on oil prices of $12.90, $16.40, and $21.00/bbl in the years 1985, 1990, and 1995, respectively.
[b] With 520 ng/J maximum emission limit.
[c] Plants subject to existing State regulations or the current NSPS of 1.2 lb SO_2/million BTU.
[d] Based on wet SO_2 scrubbing costs.
[e] Based on dry SO_2 scrubbing costs where applicable.
[f] Plants subject to the revised standards.

Table 3.—*Regional 1995 SO_2 Emissions From Utility Boilers*[a]

[Million tons]

	1975 actual	Level of control[b]: Current standards		Full control		Partial control 33% minimum		Variable control 70% minimum	
		Wet[c]	*Dry*[d]	*Wet*	*Dry*	*Wet*	*Dry*	*Wet*	*Dry*
Total National Emissions	18.6	23.7	23.8	20.6	20.7	20.8	20.9	20.8	20.5
Regional Emissions:									
East[e]		11.2	11.2	10.1	10.1	9.8	9.8	9.8	9.7
Midwest[f]		8.1	8.3	7.9	7.9	7.9	8.0	7.9	8.0
West South Central[g]		2.6	2.6	1.7	1.7	1.8	1.8	1.8	1.7
West[h]		1.7	1.7	0.9	0.9	1.2	1.2	1.1	1.1
Total Coal Capacity (GW)	205	552	554	521	520	534	537	533	537

[a] Results of joint EPA/DOE analyses completed in May 1979 based on oil prices of $12.90, $16.40, and $21.00/bbl in the years 1985, 1990, and 1995, respectively.
[b] With 520 ng/J maximum emission limit.
[c] Based on wet SO_2 scrubbing costs.
[d] Based on dry SO_2 scrubbing costs where applicable.
[e] New England, Middle Atlantic, South Atlantic, and East South Central Census Regions.
[f] East North Central and West North Central Census Regions.
[g] West South Central Census Region.
[h] Mountain and Pacific Census Regions.

Performance Testing

Particulate Matter

The final regulations require that Method 5 or 17 under 40 CFR Part 60, Appendix A, be used to determine compliance with the particulate matter emission limit. Particulate matter may be collected with Method 5 at an outstack filter temperature up to 160 C (320 F); Method 17 may be used when stack temperatures are less than 160 C (320 F). Compliance with the opacity standard in the final regulation is determined by means of Method 9, under 40 CFR Part 60, Appendix A. A transmissometer that meets Performance Specification 1 under 40 CFR Part 60, Appendix B is required.

Several comments were received which questioned the accuracy of Methods 5 and 17 when used to measure particulate matter at the level of the standard. The accuracy of Methods 5 and 17 is dependent on the amount of sample collected and not the concentration in the gas stream. To maintain an accuracy comparable to the accuracy obtained when testing for mass emission rates higher than the standard, it is necessary to sample for longer times. For this reason, the regulation requires a minimum sampling time of 120 minutes and a minimum sampling volume of 1.7 dscm (60 dscf).

Three comments raised the issue of potential interference of acid mist with the measurement of particulate matter. The Administrator recognized this issue prior to proposal of the regulations. In the preamble to the proposed regulations, the Administrator indicated that investigations would continue to determine the extent of the problem. A series of tests at an FGD-equipped facility burning 3-percent-sulfur coal indicate that the amount of sample collected using Method 5 procedures is temperature sensitive over the range of filter temperatures used (250° F to 380° F), with reduced weights at higher temperatures. Presumably, the decreased weight at higher filter temperatures reflect vaporization of acid mist. Recently received particulate emission data using Method 5 at 32° F for a second coal-fired power plant equipped with an electrostatic precipitator and an FGD system apparently conflicts with the data generated by EPA. For this plant, particulate matter was measured at 0.02 lbs/million Btu. It is not known what portion of this particulate matter, if any was attributable to sulfuric acid mist.

The intent of the particulate matter standard is to insure the installation, operation, and maintenance of a good

Table 4—*Impacts on Fuels in 1995*[a]

	1975 actual	Level of control[b] Current standards		Full control		Partial control 33%-minimum		Variable control 70% minimum	
		Wet[c]	Dry[d]	Wet	Dry	Wet	Dry	Wet	Dry
U.S. Coal Production (million tons):									
Appalachia	396	489	524	463	465	475	486	470	484
Midwest	151	404	391	487	488	455	452	465	459
Northern Great Plains	54	655	630	633	628	622	576	632	602
West	46	230	222	182	180	212	228	203	217
Total	647	1,778	1,767	1,765	1,761	1,765	1,742	1,770	1,752
Western Coal Shipped East (million tons)	21	122	99	59	55	68	59	71	70
Oil Consumpton by Power Plants (million bbl/day):									
Power Plants		1.2	1.2	1.6	1.6	1.4	1.4	1.4	1.4
Coal Transportation		0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Total	3.1	1.4	1.4	1.8	1.8	1.6	1.6	1.6	1.6

[a] Results of EPA analyses completed in May 1979 based on oil prices of $12.90, $16.40, and $21.00/bbl in the years 1985, 1990, and 1995, respectively.
[b] With 520ng/J maximum emission limit.
[c] Based on wet SO_2 scrubbing costs.
[d] Based on dry SO_2 scrubbing where applicable.

Table 5.—*1995 Economic Impacts*[a]

[1978 dollars]

	Level of control[b] Current standards		Full control		Partial control 33% minimum		Variable control 70% minimum	
	Wet[c]	Dry[d]	Wet	Dry	Wet	Dry	Wet	Dry
Average Monthly Residential Bills ($/month)	$53.00	$52.85	$54.50	$54.45	$54.15	$53.95	$54.20	$54.05
Indirect Consumer Impacts ($/month)			1.50	1.60	1.15	1.10	1.30	1.20
Incremental Utility Capital Expenditures, Cumulative 1976–1995 ($ billions)			4	5	6	−3	10	−1
Incremental Annualized Cost ($ billions)			4.1	4.4	3.2	3.0	3.6	3.3
Present Value of Incremental Utility Revenue Requirements ($ billions)			41	45	32	31	37	33
Incremental Cost of SO_2 Reduction ($/ton)			1,322	1,428	1,094	1,012	1,163	1,036

[a] Results of EPA analyses completed in May 1979 based on oil prices of $12.90, $16.40, and $21.00/bbl in the years 1985, 1990, and 1995, respectively.
[b] With 520 ng/J maximum emission limit.
[c] Based on wet SO_2 scrubbing costs.
[d] Based on dry SO_2 scrubbing costs where applicable.

emission control system. Since technology is not available for the control of sulfuric acid mist, which is condensed in the FGD system, the Administrator does not believe the particulate matter sample should include condensed acid mist. The final regulation, therefore, allows particulate matter testing for compliance between the outlet of the particulate matter control device and the inlet of a wet FGD system. EPA will continue to investigate revised procedures to minimize the measurement of acid mist by Methods 5 or 17 when used to measure particulate matter after the FGD system. Since technology is available to control particulate sulfate carryover from an FGD system, and the Administrator believes good mist eliminators should be included with all FGD systems, the regulations will be amended to require particulate matter measurement after the FGD system when revised procedures for Methods 5 or 17 are available.

SO_2 and NO_x

The final regulation requires that compliance with the sulfur dioxide and nitrogen oxides standards be determined by using continuous monitoring systems (CMS) meeting Performance Specifications 2 and 3, under 40 CFR Part 60, Appendix B. Data from the CMS are used to calculate a 30-day rolling average emission rate and percentage reduction (sulfur dioxide only) for the initial performance test required under 40 CFR 60.8. At the end of each boiler operating day after the initial performance test a new 30-day rolling average emission rate for sulfur dioxide and nitrogen oxides and an average percent reduction for sulfur dioxide are determined. The final regulations specify the minimum amount of data that must be obtained for each 30 successive boiler operating days but requires the calculation of the average emission rate and percentage reduction based on all available data. The minimum data requirements can be satisfied by using the Reference Methods or other approved alternative methods when the CMS, or components of the system, are inoperative.

The final regulation requires operation of the continuous monitors at all times, including periods of startup, shutdown, malfunction (NO_x only), and emergency conditions (SO_2 only), except for those periods when the CMS is inoperative because of malfunctions, calibration or span checks.

The proposed regulations would have required that compliance be based on the emission rate and percent reduction

(sulfur dioxide only) for each 24-hour period of operation. Continual determination of compliance with the proposed standard would have necessitated that each source owner or operator install redundant CMS or conduct manual testing in the event of CMS malfunction.

Comments on the proposed testing requirements for sulfur dioxide and nitrogen oxides indicated that CMS could not operate without malfunctions; therefore, every facility would require redundant CMS. One commenter calculated that seven CMS would be needed to provide the required data. Comments also questioned the practicality and feasibility of obtaining around-the-clock emissions data by means of manual testing in the event of CMS malfunction. The commenter stated that the need for immediate backup testing using manual methods would require a stand-by test team at all times and that extreme weather conditions or other circumstances could often make it impossible for the test team to obtain the required data. The Administrator agrees with these comments and has redefined the data requirements to reflect the performance that can be achieved with one well-maintained CMS. The final requirements are designed to eliminate the need for redundant CMS and minimize the possibility that manual testing will be necessary, while assuring acquisition of sufficient data to document compliance.

Compliance with the emission limitations for sulfur dioxide and nitrogen oxides and the percentage reduction for sulfur dioxide is determined from all available hourly averages, except for periods of startup, shutdown, malfunction or emergency conditions for each 30 successive boiler operating days. Minimum data requirements have been established for hourly averages, for 24-hour periods, and for the 30 successive boiler operating days. These minimum requirements eliminate the need for redundant CMS and minimize the need for testing using manual sampling techniques. The minimum requirements apply separately to inlet and outlet monitoring systems.

The regulation allows calculation of hourly averages for the CMS using two or more of the required four data points. This provision was added to accommodate those monitors for which span and calibration checks and minor repairs might require more than 15 minutes.

For any 24-hour period, emissions data must be obtained for a minimum of 75 percent of the hours during which the affected facility is operated (including startup, shutdown, malfunctions or emergency conditions). This provision was added to allow additional time for CMS calibrations and to correct minor CMS problems, such as a lamp failure, a plugged probe, or a soiled lens. Statistical analyses of data obtained by EPA show that there is no significant difference (at the 95 percent confidence interval) between 24-hour means based on 75 percent of the data and those based on the full data set.

To provide time to correct major CMS malfunctions and minimize the possibility that supplemental testing will be needed, a provision has been added which allows the source owner or operator to demonstrate compliance if the minimum data for each 24-hour period has been obtained for 22 of the 30 successive boiler operating days. This provision is based on EPA studies that have shown that a single pair of CMS pollutant and diluent monitors can be made available in excess of 75 percent of the time and several comments showing CMS availability in excess of 90 percent of the time.

In the event a CMS malfunction would prevent the source owner or operator from meeting the minimum data requirements, the regulation requires that the reference methods or other procedures approved by the Administrator be used to supplement the data. The Administrator believes, however, that a single properly designed, maintained, and operated CMS with trained personnel and an appropriate inventory of spare parts can achieve the monitoring requirements with currently available CMS equipment. In the event that an owner or operator fails to meet the minimum data requirements, a procedure is provided which may be used by the Administrator to determine compliance with the SO_2 and NO_x standards. The procedure is provided to reduce potential problems that might arise if an owner or operation is unable to meet the minimum data requirements or attempts to manipulate the acquisition of data so as to avoid the demonstration of noncompliance. The Administrator believes that an owner or operator should not be able to avoid a finding of noncompliance with the emission standards solely by noncompliance with the minimum data requirements. Penalties related only to failure to meet the minimum data requirements may be less than those for failure to meet the emission standards and may not provide as great an incentive to maintain compliance with the regulations.

The procedure involves the calculation of standard deviations for the available inlet SO_2 monitoring data and the available outlet SO_2 and NO_x monitoring data and assumes the data are normally distributed. The standard deviation of the inlet monitoring data for SO_2 is used to calculate the upper confidence limit of the inlet emission rate at the 95 percent confidence interval. The upper confidence limit of the inlet emission rate is used to determine the potential combustion concentration and the allowable emission rate. The standard deviation of the outlet monitoring data for SO_2 and NO_x are used to calculate the lower confidence limit of the outlet emission rates at the 95 percent confidence interval. The lower confidence limit of the outlet emission rate is compared with the allowable emission rate to determine compliance. If the lower confidence limit of the outlet emission rate is greater than the allowable emission rate for the reporting period, the Administrator will conclude that noncompliance has occurred.

The regulations require the source owner or operator who fails to meet the minimum data requirements to perform the calculations required by the added procedure, and to report the results of the calculations in the quarterly report. The Administrator may use this information for determining the compliance status of the affected facility.

It is emphasized that while the regulations permit a determination of the compliance status of a facility in the absence of data reflecting some periods of operation, an owner and operator is required by 40 CFR 60.11(d) to continue to operate the facility at all times so as to minimize emissions consistent with good engineering practice. Also, the added procedure which allows for a determination of compliance when less than the minimum monitoring data have been obtained does not exempt the source owner or operator from the minimum data requirements. Exemption from the minimum data requirements could allow the source owner to circumvent the standard, since the added procedure assumes random variations in emission rates.

One commenter suggested that operating data be used in place of CMS data to demonstrate compliance. The Administrator does not believe, however, that the demonstration of compliance can be based on operating data alone. Consideration was given to the reporting of operating parameters during those periods when emissions data have not been obtained. This

alternative was rejected because it would mean that the source owner or operator would need to record the operating parameters at all times, and would impose an administrative burden on source owners or operators in compliance with the emission monitoring requirements. The regulation requires the owner or operator to certify that the emission control systems have been kept in operation during periods when emissions data have not been obtained.

Several commenters indicated that CMS were not sufficiently accurate to allow for a determination of compliance. One commenter provided calculations showing that the CMS could report an FGD efficiency ranging from 77.5 to 90 percent, with the scrubber operating at an efficiency of 85 percent. The analysis submitted by the commenter is theoretically possible for any single data point generated by the CMS. For the 30-day averaging periods, however, random variations in individual data points are not significant. The criterion of importance in showing compliance for this longer averaging time is the difference between the mean values measured by the CMS and the reference methods. EPA is developing quality assurance procedures, which will require a periodic demonstration that the mean emission rates measured by the CMS demonstrates a consistent and reproducible relationship with the mean emission rates measured by the reference methods or acceptable modifications of these methods.

A specific comment received on the monitoring requirements questioned the need to respan the CMS for sulfur dioxide when the sulfur content of the fuel changed by 0.5 percent. The intent of this requirement was to assure that a change in fuel sulfur content would not result in emissions exceeding the range of the CMS. This requirement has been deleted on the premise that the source owner or operator will initiate his own procedures to protect himself against loss of data.

Several comments were also received concerning detailed technical items contained in Performance Specifications 2 and 3. One comment, for example, suggested that a single "relative accuracy" specification be used for the entire CMS, as opposed to separate values for the pollutant and diluent monitors. Another comment questioned the performance specification on instrument response time, while still other comments raised questions on calibration procedures. EPA is in the process of revising Performance Specifications 2 and 3 to respond to these, and other questions. The current performance specifications, however, are adequate for the determination of compliance.

Fuel Pretreatment

The final regulation allows credit for fuel pretreatment to remove sulfur or increase heat content. Fuel pretreatment credits are determined in accordance with Method 19. This means that coal or oil may be treated before firing and the sulfur removed may be credited toward meeting the SO_2 percentage reduction requirement. The final fuel pretreatment provisions are the same as those proposed.

Most all commenters on this issue supported the fuel pretreatment crediting procedures proposed by EPA. Several commenters requested that credit also be given for sulfur removed in the coal bottom ash and fly ash. This is allowed under the final regulation and was also allowed under the proposal in the optional "as-fired" fuel sampling procedures under the SO_2 emission monitoring requirements. By monitoring SO_2 emissions (ng/J, lb/million Btu) with an as-fired fuel sampling system located upstream of coal pulverizers and with an in-stack continuous SO_2 monitoring system downstream of the FGD system, sulfur removal credits are combined for the coal pulverizer, bottom ash, fly ash and FGD system into one removal efficiency. Other alternative sampling procedures may also be submitted to the Administrator for approval.

Several commenters indicated that they did not understand the proposed fuel pretreatment crediting procedure for refined fuel oil. The Administrator intended to allow fuel pretreatment credits for all fuel oil desulfurization processes used in preparation of utility boiler fuels. Thus, the input and output from oil desulfurization processes (e.g., hydrotreatment units) that are used to pretreat utility boiler fuels used in determining pretreatment credits. If desulfurized oil is blended with undesulfurized oil, fuel pretreatment credits are prorated based on heat input of oils blended. The Administrator believes that the oil input to the desulfurizer should be considered the input for credit determination and not the well head crude oil or input oil to the refinery. Refining of crude oil results in the separation of the base stock into various density fractions which range from lighter products such as naphtha and distillate oils. Most of the sulfur from the crude oil is bound to the heavier residual oils which may have a sulfur content of twice the input crude oil. The residual oils can be upgraded to a lower sulfur utility steam generator fuel through the use of desulfurization technology (such as hydrodesulfurization). The Administrator believes that it is appropriate to give full fuel pretreatment credit for hydrotreatment units and not to penalize hydrodesulfurization units which are used to process high-sulfur residual oils. Thus, the input to the hydrodesulfurization unit is used to determine oil pretreatment credits and not the lower sulfur refinery input crude. This procedure will allow full credit for residual oil hydrodesulfurization units.

In relation to fuel pretreatment credits for coal, commenters requested that sampling be allowed prior to the initial coal breaker. Under the final standards, coal sampling may be conducted at any location (either before or after the initial coal breaker). It is desirable to sample coal after the initial breaker because the smaller coal volume and coal size will reduce sampling requirements under Method 19. If sampling were conducted before the initial breaker, rock removed by the coal breaker would not result in any additional sulfur removal credit. Coal samples are analyzed to determine potential SO_2 emissions in ng/J (lb/million Btu) and any removal of rock or other similar reject material will not change the potential SO_2 emission rate (ng/J; lb/million Btu).

An owner or operator of an affected facility who elects to use fuel pretreatment credits is responsible for insuring that the EPA Method 19 procedures are followed in determining SO_2 removal credit for pretreatment equipment.

Miscellaneous

Establishment of standards of performance for electric utility steam generating units was preceded by the Administrator's determination that these sources contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare (36 FR 5931), and by proposal of regulations on September 19, 1978 (43 FR 42154). In addition, a preproposal public hearing (May 25–26, 1977) and a postproposal public hearing (December 12–13, 1978) was held after notification was given in the Federal Register. Under section 117 of the Act, publication of these regulations was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

Standards of performance for new fossil-fuel-fired stationary sources established under section 111 of the Clean Air Act reflect:

Application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. [section 111(a)(1)]

Although there may be emission control technology available that can reduce emissions below those levels required to comply with standards of performance, this technology might not be selected as the basis of standards of performance due to costs associated with its use. Accordingly, standards of performance should not be viewed as the ultimate in achievable emission control. In fact, the Act requires (or has potential for requiring) the imposition of a more stringent emission standard in several situations.

For example, applicable costs do not play as prominent a role in determining the "lowest achievable emission rate" for new or modified sources located in nonattainment areas, i.e., those areas where statutorily-mandated health and welfare standards are being violated. In this respect, section 173 of the Act requires that a new or modified source constructed in an area that exceeds the National Ambient Air Quality Standard (NAAQS) must reduce emissions to the level that reflects the "lowest achievable emission rate" (LAER), as defined in section 171(3), for such source category. The statute defines LAER as that rate of emission which reflects:

(A) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event can the emission rate exceed any applicable new source performance standard [section 171(3)].

A similar situation may arise under the prevention of significant deterioration of air quality provisions of the Act (Part C). These provisions require that certain sources [referred to in section 169(1)] employ "best available control technology" [as defined in section 169(3)] for all pollutants regulated under the Act. Best available control technology (BACT) must be determined on a case-by-case basis, taking energy, environmental and economic impacts, and other costs into account. In no event may the application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard established pursuant to section 111 (or 112) of the Act.

In all events, State implementation plans (SIP's) approved or promulgated under section 110 of the Act must provide for the attainment and maintenance of National Ambient Air Quality Standards designed to protect public health and welfare. For this purpose, SIP's must in some cases require greater emission reductions than those required by standards of performance for new sources.

Finally, States are free under section 116 of the Act to establish even more stringent emission limits than those established under section 111 or those necessary to attain or maintain the NAAQS under section 110. Accordingly, new sources may in some cases be subject to limitations more stringent than EPA's standards of performance under section 111, and prospective owners and operators of new sources should be aware of this possibility in planning for such facilities.

Under EPA's sunset policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years from the date of promulgation unless the Administrator takes affirmative action to extend them. Within the five year period, the Administrator will review these requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for revisions determined by the Administrator to be substantial. The Administrator has determined that these revisions are substantial and has prepared an economic impact assessment and included the required information in the background information documents.

Dated: June 1, 1979.

Douglas M. Costle,

Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

In 40 CFR Part 60, § 60.8 of Subpart A is revised, the heading and § 60.40 of Subpart D are revised, a new Subpart Da is added, and a new reference method is added to Appendix A as follows:

1. Section 60.8(d) and § 60.8(f) are revised as follows:

§ 60.8 Performance tests.

* * * * *

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present.

* * * * *

(f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

2. The heading for Subpart D is revised to read as follows:

Subpart D—Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971

3. Section 60.40 is amended by adding paragraph (d) as follows:

§ 60.40 Applicability and designation of affected facility.

* * * * *

(d) Any facility covered under Subpart Da is not covered under This Subpart.

(Sec. 111, 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)).)

4. A new Subpart Da is added as follows:

Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18,1978

Sec.

60.40a Applicability and designation of affected facility.
60.41a Definitions.
60.42a Standard for particulate matter.
60.43a Standard for sulfur dioxide.
60.44a Standard for nitrogen oxides.
60.45a Commercial demonstration permit.
60.46a Compliance provisions.
60.47a Emission monitoring.
60.48a Compliance determination procedures and methods.
60.49a Reporting requirements.

Authority: Sec. 111, 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart Da—Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978

§ 60.40a Applicability and designation of affected facility.

(a) The affected facility to which this subpart applies is each electric utility steam generating unit:

(1) That is capable of combusting more than 73 megawatts (250 million Btu/hour) heat input of fossil fuel (either alone or in combination with any other fuel); and

(2) For which construction or modification is commenced after September 18, 1978.

(b) This subpart applies to electric utility combined cycle gas turbines that are capable of combusting more than 73 megawatts (250 million Btu/hour) heat input of fossil fuel in the steam generator. Only emissions resulting from combustion of fuels in the steam generating unit are subject to this subpart. (The gas turbine emissions are subject to Subpart GG.)

(c) Any change to an existing fossil-fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels, shall not bring that unit under the applicability of this subpart.

(d) Any change to an existing steam generating unit originally designed to fire gaseous or liquid fossil fuels, to accommodate the use of any other fuel (fossil or nonfossil) shall not bring that unit under the applicability of this subpart.

§ 60.41a Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

"Steam generating unit" means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam (including fossil-fuel-fired steam generators associated with combined cycle gas turbines; nuclear steam generators are not included).

"Electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat.

"Subbituminous coal" means coal that is classified as subbituminous A, B, or C according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388–66.

"Lignite" means coal that is classified as lignite A or B according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388–66.

"Coal refuse" means waste products of coal mining, physical coal cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

"Potential combustion concentration" means the theoretical emissions (ng/J, lb/million Btu heat input) that would result from combustion of a fuel in an uncleaned state 9without emission control systems) and:

(a) For particulate matter is:

(1) 3,000 ng/J (7.0 lb/million Btu) heat input for solid fuel; and

(2) 75 ng/J (0.17 lb/million Btu) heat input for liquid fuels.

(b) For sulfur dioxide is determined under § 60.48a(b).

(c) For nitrogen oxides is:

(1) 290 ng/J (0.67 lb/million Btu) heat input for gaseous fuels;

(2) 310 ng/J (0.72 lb/million Btu) heat input for liquid fuels; and

(3) 990 ng/J (2.30 lb/million Btu) heat input for solid fuels.

"Combined cycle gas turbine" means a stationary turbine combustion system where heat from the turbine exhaust gases is recovered by a steam generating unit.

"Interconnected" means that two or more electric generating units are electrically tied together by a network of power transmission lines, and other power transmission equipment.

"Electric utility company" means the largest interconnected organization, business, or governmental entity that generates electric power for sale (e.g., a holding company with operating subsidiary companies).

"Principal company" means the electric utility company or companies which own the affected facility.

"Neighboring company" means any one of those electric utility companies with one or more electric power interconnections to the principal company and which have geographically adjoining service areas.

"Net system capacity" means the sum of the net electric generating capability (not necessarily equal to rated capacity) of all electric generating equipment owned by an electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units, and all other electric generating equipment) plus firm contractual purchases that are interconnected to the affected facility that has the malfunctioning flue gas desulfurization system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

"System load" means the entire electric demand of an electric utility company's service area interconnected with the affected facility that has the malfunctioning flue gas desulfurization system plus firm contractual sales to other electric utility companies. Sales to other electric utility companies (e.g., emergency power) not on a firm contractual basis may also be included in the system load when no available system capacity exists in the electric utility company to which the power is supplied for sale.

"System emergency reserves" means an amount of electric generating capacity equivalent to the rated capacity of the single largest electric generating unit in the electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units, and all other electric generating equipment) which is interconnected with the affected facility that has the malfunctioning flue gas desulfurization system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

"Available system capacity" means the capacity determined by subtracting the system load and the system emergency reserves from the net system capacity.

"Spinning reserve" means the sum of the unutilized net generating capability of all units of the electric utility company that are synchronized to the power distribution system and that are capable of immediately accepting

additional load. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

"Available purchase power" means the lesser of the following:

(a) The sum of available system capacity in all neighboring companies.

(b) The sum of the rated capacities of the power interconnection devices between the principal company and all neighboring companies, minus the sum of the electric power load on these interconnections.

(c) The rated capacity of the power transmission lines between the power interconnection devices and the electric generating units (the unit in the principal company that has the malfunctioning flue gas desulfurization system and the unit(s) in the neighboring company supplying replacement electrical power) less the electric power load on these transmission lines.

"Spare flue gas desulfurization system module" means a separate system of sulfur dioxide emission control equipment capable of treating an amount of flue gas equal to the total amount of flue gas generated by an affected facility when operated at maximum capacity divided by the total number of nonspare flue gas desulfurization modules in the system.

"Emergency condition" means that period of time when:

(a) The electric generation output of an affected facility with a malfunctioning flue gas desulfurization system cannot be reduced or electrical output must be increased because:

(1) All available system capacity in the principal company interconnected with the affected facility is being operated, and

(2) All available purchase power interconnected with the affected facility is being obtained, or

(b) The electric generation demand is being shifted as quickly as possible from an affected facility with a malfunctioning flue gas desulfurization system to one or more electrical generating units held in reserve by the principal company or by a neighboring company, or

(c) An affected facility with a malfunctioning flue gas desulfurization system becomes the only available unit to maintain a part or all of the principal company's system emergency reserves and the unit is operated in spinning reserve at the lowest practical electric generation load consistent with not causing significant physical damage to the unit. If the unit is operated at a higher load to meet load demand, an emergency condition would not exist unless the conditions under (a) of this definition apply.

"Electric utility combined cycle gas turbine" means any combined cycle gas turbine used for electric generation that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam distribution system that is constructed for the purpose of providing steam to a steam electric generator that would produce electrical power for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Potential electrical output capacity" is defined as 33 percent of the maximum design heat input capacity of the steam generating unit (e.g., a steam generating unit with a 100-MW (340 million Btu/hr) fossil-fuel heat input capacity would have a 33-MW potential electrical output capacity). For electric utility combined cycle gas turbines the potential electrical output capacity is determined on the basis of the fossil-fuel firing capacity of the steam generator exclusive of the heat input and electrical power contribution by the gas turbine.

"Anthracite" means coal that is classified as anthracite according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388-66.

"Solid-derived fuel" means any solid, liquid, or gaseous fuel derived from solid fuel for the purpose of creating useful heat and includes, but is not limited to, solvent refined coal, liquified coal, and gasified coal.

"24-hour period" means the period of time between 12:01 a.m. and 12:00 midnight.

"Resource recovery unit" means a facility that combusts more than 75 percent non-fossil fuel on a quarterly (calendar) heat input basis.

"Noncontinental area" means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

"Boiler operating day" means a 24-hour period during which fossil fuel is combusted in a steam generating unit for the entire 24 hours.

§ 60.42a Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted under § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of:

(1) 13 ng/J (0.03 lb/million Btu) heat input derived from the combustion of solid, liquid, or gaseous fuel;

(2) 1 percent of the potential combustion concentration (99 percent reduction) when combusting solid fuel; and

(3) 30 percent of potential combustion concentration (70 percent reduction) when combusting liquid fuel.

(b) On and after the date the particulate matter performance test required to be conducted under § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

§ 60.43a Standard for sulfur dioxide.

(a) On and after the date on which the initial performance test required to be conducted under § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts solid fuel or solid-derived fuel, except as provided under paragraphs (c), (d), (f) or (h) of this section, any gases which contain sulfur dioxide in excess of:

(1) 520 ng/J (1.20 lb/million Btu) heat input and 10 percent of the potential combustion concentration (90 percent reduction), or

(2) 30 percent of the potential combustion concentration (70 percent reduction), when emissions are less than 260 ng/J (0.60 lb/million Btu) heat input.

(b) On and after the date on which the initial performance test required to be conducted under § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts liquid or gaseous fuels (except for liquid or gaseous fuels derived from solid fuels and as provided under paragraphs (e) or (h) of this section), any gases which contain sulfur dioxide in excess of:

(1) 340 ng/J (0.80 lb/million Btu) heat input and 10 percent of the potential combustion concentration (90 percent reduction), or

(2) 100 percent of the potential combustion concentration (zero percent reduction) when emissions are less than 86 ng/J (0.20 lb/million Btu) heat input.

(c) On and after the date on which the initial performance test required to be

conducted under § 60.8 is complete, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts solid solvent refined coal (SRC–I) any gases which contain sulfur dioxide in excess of 520 ng/J (1.20 lb/million Btu) heat input and 15 percent of the potential combustion concentration (85 percent reduction) except as provided under paragraph (f) of this section; compliance with the emission limitation is determined on a 30-day rolling average basis and compliance with the percent reduction requirement is determined on a 24-hour basis.

(d) Sulfur dioxide emissions are limited to 520 ng/J (1.20 lb/million Btu) heat input from any affected facility which:

(1) Combusts 100 percent anthracite,

(2) Is classified as a resource recovery facility, or

(3) Is located in a noncontinental area and combusts solid fuel or solid-derived fuel.

(e) Sulfur dioxide emissions are limited to 340 ng/J (0.80 lb/million Btu) heat input from any affected facility which is located in a noncontinental area and combusts liquid or gaseous fuels (excluding solid-derived fuels).

(f) The emission reduction requirements under this section do not apply to any affected facility that is operated under an SO_2 commercial demonstration permit issued by the Administrator in accordance with the provisions of § 60.45a.

(g) Compliance with the emission limitation and percent reduction requirements under this section are both determined on a 30-day rolling average basis except as provided under paragraph (c) of this section.

(h) When different fuels are combusted simultaneously, the applicable standard is determined by proration using the following formula:

(1) If emissions of sulfur dioxide to the atmosphere are greater than 260 ng/J (0.60 lb/million Btu) heat input

$E_{SO_2} = [340\,x + 520\,y]/100$ and
$P_{SO_2} = 10$ percent

(2) If emissions of sulfur dioxide to the atmosphere are equal to or less than 260 ng/J (0.60 lb/million Btu) heat input:

$E_{SO_2} = [340\,x + 520\,y]/100$ and
$P_{SO_2} = [90\,x + 70\,y]/100$

where:

E_{SO_2} is the prorated sulfur dioxide emission limit (ng/J heat input),

P_{SO_2} is the percentage of potential sulfur dioxide emission allowed (percent reduction required = $100 - P_{SO_2}$),

x is the percentage of total heat input derived from the combustion of liquid or gaseous fuels (excluding solid-derived fuels)

y is the percentage of total heat input derived from the combustion of solid fuel (including solid-derived fuels)

§ 60.44a Standard for nitrogen oxides.

(a) On and after the date on which the initial performance test required to be conducted under § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility, except as provided under paragraph (b) of this section, any gases which contain nitrogen oxides in excess of the following emission limits, based on a 30-day rolling average.

(1) NO_x Emission Limits—

Fuel type	Emission limit ng/J (lb/million Btu) heat input	
Gaseous Fuels:		
Coal-derived fuels	210	(0.50)
All other fuels	86	(0.20)
Liquid Fuels:		
Coal-derived fuels	210	(0.50)
Shale oil	210	(0.50)
All other fuels	130	(0.30)
Solid Fuels:		
Coal-derived fuels	210	(0.50)
Any fuel containing more than 25%, by weight, coal refuse	Exempt from NO_x standards and NO_x monitoring requirements	
Any fuel containing more than 25%, by weight, lignite if the lignite is mined in North Dakota, South Dakota, or Montana, and is combusted in a slag tap furnace	340	(0.80)
Lignite not subject to the 340 ng/J heat input emission limit	260	(0.60)
Subbituminous coal	210	(0.50)
Bituminous coal	260	(0.60)
Anthracite coal	260	(0.60)
All other fuels	260	(0.60)

(2) NO_x reduction requirements—

Fuel type	Percent reduction of potential combustion concentration
Gaseous fuels	25%
Liquid fuels	30%
Solid fuels	65%

(b) The emission limitations under paragraph (a) of this section do not apply to any affected facility which is combusting coal-derived liquid fuel and is operating under a commercial demonstration permit issued by the Administrator in accordance with the provisions of § 60.45a.

(c) When two or more fuels are combusted simultaneously, the applicable standard is determined by proration using the following formula:

$E_{NO_x} = [86\,w + 130\,x + 210\,y + 260\,z]/100$

where:

E_{NO_x} is the applicable standard for nitrogen oxides when multiple fuels are combusted simultaneously (ng/J heat input);

w is the percentage of total heat input derived from the combustion of fuels subject to the 86 ng/J heat input standard;

x is the percentage of total heat input derived from the combustion of fuels subject to the 130 ng/J heat input standard;

y is the percentage of total heat input derived from the combustion of fuels subject to the 210 ng/J heat input standard; and

z is the percentage of total heat input derived from the combustion of fuels subject to the 260 ng/J heat input standard.

§ 60.45a Commercial demonstration permit.

(a) An owner or operator of an affected facility proposing to demonstrate an emerging technology may apply to the Administrator for a commercial demonstration permit. The Administrator will issue a commercial demonstration permit in accordance with paragraph (e) of this section. Commercial demonstration permits may be issued only by the Administrator, and this authority will not be delegated.

(b) An owner or operator of an affected facility that combusts solid solvent refined coal (SRC–I) and who is issued a commercial demonstration permit by the Administrator is not subject to the SO_2 emission reduction requirements under § 60.43a(c) but must, as a minimum, reduce SO_2 emissions to 20 percent of the potential combustion concentration (80 percent reduction) for each 24-hour period of steam generator operation and to less than 520 ng/J (1.20 lb/million Btu) heat input on a 30-day rolling average basis.

(c) An owner or operator of a fluidized bed combustion electric utility steam generator (atmospheric or pressurized) who is issued a commercial demonstration permit by the Administrator is not subject to the SO_2 emission reduction requirements under § 60.43a(a) but must, as a minimum, reduce SO_2 emissions to 15 percent of the potential combustion concentration (85 percent reduction) on a 30-day rolling average basis and to less than 520 ng/J (1.20 lb/million Btu) heat input on a 30-day rolling average basis.

(d) The owner or operator of an affected facility that combusts coal-derived liquid fuel and who is issued a commercial demonstration permit by the Administrator is not subject to the applicable NO_x emission limitation and percent reduction under § 60.44a(a) but must, as a minimum, reduce emissions to less than 300 ng/J (0.70 lb/million Btu)

heat input on a 30-day rolling average basis.

(e) Commercial demonstration permits may not exceed the following equivalent MW electrical generation capacity for any one technology category, and the total equivalent MW electrical generation capacity for all commercial demonstration plants may not exceed 15,000 MW.

Technology	Pollutant	Equivalent electrical capacity (MW electrical output)
Solid solvent refined coal (SRC I)	SO_2	6,000–10,000
Fluidized bed combustion (atmospheric)	SO_2	400–3,000
Fluidized bed combustion (pressurized)	SO_2	400–1,200
Coal liquification	NO_x	750–10,000
Total allowable for all technologies		15,000

§ 60.46a Compliance provisions.

(a) Compliance with the particulate matter emission limitation under § 60.42a(a)(1) constitutes compliance with the percent reduction requirements for particulate matter under § 60.42a(a)(2) and (3).

(b) Compliance with the nitrogen oxides emission limitation under § 60.44a(a) constitutes compliance with the percent reduction requirements under § 60.44a(a)(2).

(c) The particulate matter emission standards under § 60.42a and the nitrogen oxides emission standards under § 60.44a apply at all times except during periods of startup, shutdown, or malfunction. The sulfur dioxide emission standards under § 60.43a apply at all times except during periods of startup, shutdown, or when both emergency conditions exist and the procedures under paragraph (d) of this section are implemented.

(d) During emergency conditions in the principal company, an affected facility with a malfunctioning flue gas desulfurization system may be operated if sulfur dioxide emissions are minimized by:

(1) Operating all operable flue gas desulfurization system modules, and bringing back into operation any malfunctioned module as soon as repairs are completed,

(2) Bypassing flue gases around only those flue gas desulfurization system modules that have been taken out of operation because they were incapable of any sulfur dioxide emission reduction or which would have suffered significant physical damage if they had remained in operation, and

(3) Designing, constructing, and operating a spare flue gas desulfurization system module for an affected facility larger than 365 MW (1,250 million Btu/hr) heat input (approximately 125 MW electrical output capacity). The Administrator may at his discretion require the owner or operator within 60 days of notification to demonstrate spare module capability. To demonstrate this capability, the owner or operator must demonstrate compliance with the appropriate requirements under paragraph (a), (b), (d), (e), and (i) under § 60.43a for any period of operation lasting from 24 hours to 30 days when:

(i) Any one flue gas desulfurization module is not operated,

(ii) The affected facility is operating at the maximum heat input rate,

(iii) The fuel fired during the 24-hour to 30-day period is representative of the type and average sulfur content of fuel used over a typical 30-day period, and

(iv) The owner or operator has given the Administrator at least 30 days notice of the date and period of time over which the demonstration will be performed.

(e) After the initial performance test required under § 60.8, compliance with the sulfur dioxide emission limitations and percentage reduction requirements under § 60.43a and the nitrogen oxides emission limitations under § 60.44a is based on the average emission rate for 30 successive boiler operating days. A separate performance test is completed at the end of each boiler operating day after the initial performance test, and a new 30 day average emission rate for both sulfur dioxide and nitrogen oxides and a new percent reduction for sulfur dioxide are calculated to show compliance with the standards.

(f) For the initial performance test required under § 60.8, compliance with the sulfur dioxide emission limitations and percent reduction requirements under § 60.43a and the nitrogen oxides emission limitation under § 60.44a is based on the average emission rates for sulfur dioxide, nitrogen oxides, and percent reduction for sulfur dioxide for the first 30 successive boiler operating days. The initial performance test is the only test in which at least 30 days prior notice is required unless otherwise specified by the Administrator. The initial performance test is to be scheduled so that the first boiler operating day of the 30 successive boiler operating days is completed within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of the facility.

(g) Compliance is determined by calculating the arithmetic average of all hourly emission rates for SO_2 and NO_x for the 30 successive boiler operating days, except for data obtained during startup, shutdown, malfunction (NO_x only), or emergency conditions (SO_2 only). Compliance with the percentage reduction requirement for SO_2 is determined based on the average inlet and average outlet SO_2 emission rates for the 30 successive boiler operating days.

(h) If an owner or operator has not obtained the minimum quantity of emission data as required under § 60.47a of this subpart, compliance of the affected facility with the emission requirements under §§ 60.43a and 60.44a of this subpart for the day on which the 30-day period ends may be determined by the Administrator by following the applicable procedures in sections 6.0 and 7.0 of Reference Method 19 (Appendix A).

§ 60.47a Emission monitoring.

(a) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring the opacity of emissions discharged to the atmosphere, except where gaseous fuel is the only fuel combusted. If opacity interference due to water droplets exists in the stack (for example, from the use of an FGD system), the opacity is monitored upstream of the interference (at the inlet to the FGD system). If opacity interference is experienced at all locations (both at the inlet and outlet of the sulfur dioxide control system), alternate parameters indicative of the particulate matter control system's performance are monitored (subject to the approval of the Administrator).

(b) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring sulfur dioxide emissions, except where natural gas is the only fuel combusted, as follows:

(1) Sulfur dioxide emissions are monitored at both the inlet and outlet of the sulfur dioxide control device.

(2) For a facility which qualifies under the provisions of § 60.43a(d), sulfur dioxide emissions are only monitored as discharged to the atmosphere.

(3) An "as fired" fuel monitoring system (upstream of coal pulverizers) meeting the requirements of Method 19 (Appendix A) may be used to determine

potential sulfur dioxide emissions in place of a continuous sulfur dioxide emission monitor at the inlet to the sulfur dioxide control device as required under paragraph (b)(1) of this section.

(c) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere.

(d) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring the oxygen or carbon dioxide content of the flue gases at each location where sulfur dioxide or nitrogen oxides emissions are monitored.

(e) The continuous monitoring systems under paragraphs (b), (c), and (d) of this section are operated and data recorded during all periods of operation of the affected facility including periods of startup, shutdown, malfunction or emergency conditions, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments.

(f) When emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using other monitoring systems as approved by the Administrator or the reference methods as described in paragraph (h) of this section to provide emission data for a minimum of 18 hours in at least 22 out of 30 successive boiler operating days.

(g) The 1-hour averages required under paragraph § 60.13(h) are expressed in ng/J (lbs/million Btu) heat input and used to calculate the average emission rates under § 60.46a. The 1-hour averages are calculated using the data points required under § 60.13(b). At least two data points must be used to calculate the 1-hour averages.

(h) Reference methods used to supplement continuous monitoring system data to meet the minimum data requirements in paragraph § 60.47a(f) will be used as specified below or otherwise approved by the Administrator.

(1) Reference Methods 3, 6, and 7, as applicable, are used. The sampling location(s) are the same as those used for the continuous monitoring system.

(2) For Method 6, the minimum sampling time is 20 minutes and the minimum sampling volume is 0.02 dscm (0.71 dscf) for each sample. Samples are taken at approximately 60-minute intervals. Each sample represents a 1-hour average.

(3) For Method 7, samples are taken at approximately 30-minute intervals. The arithmetic average of these two consective samples represent a 1-hour average.

(4) For Method 3, the oxygen or carbon dioxide sample is to be taken for each hour when continuous SO_2 and NO_x data are taken or when Methods 6 and 7 are required. Each sample shall be taken for a minimum of 30 minutes in each hour using the integrated bag method specified in Method 3. Each sample represents a 1-hour average.

(5) For each 1-hour average, the emissions expressed in ng/J (lb/million Btu) heat input are determined and used as needed to achieve the minimum data requirements of paragraph (f) of this section.

(i) The following procedures are used to conduct monitoring system performance evaluations under § 60.13(c) and calibration checks under § 60.13(d).

(1) Reference method 6 or 7, as applicable, is used for conducting performance evaluations of sulfur dioxide and nitrogen oxides continuous monitoring systems.

(2) Sulfur dioxide or nitrogen oxides, as applicable, is used for preparing calibration gas mixtures under performance specification 2 of appendix B to this part.

(3) For affected facilities burning only fossil fuel, the span value for a continuous monitoring system for measuring opacity is between 60 and 80 percent and for a continuous monitoring system measuring nitrogen oxides is determined as follows:

Fossil fuel	Span value for nitrogen oxides (ppm)
Gas	500
Liquid	500
Solid	1,000
Combination	500 (x+y)+1,000z

where:
x is the fraction of total heat input derived from gaseous fossil fuel,
y is the fraction of total heat input derived from liquid fossil fuel, and
z is the fraction of total heat input derived from solid fossil fuel.

(4) All span values computed under paragraph (b)(3) of this section for burning combinations of fossil fuels are rounded to the nearest 500 ppm.

(5) For affected facilities burning fossil fuel, alone or in combination with non-fossil fuel, the span value of the sulfur dioxide continuous monitoring system at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential emissions of the fuel fired, and the outlet of the sulfur dioxide control device is 50 percent of maximum estimated hourly potential emissions of the fuel fired.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414).)

§ 60.48a Compliance determination procedures and methods.

(a) The following procedures and reference methods are used to determine compliance with the standards for particulate matter under § 60.42a.

(1) Method 3 is used for gas analysis when applying method 5 or method 17.

(2) Method 5 is used for determining particulate matter emissions and associated moisture content. Method 17 may be used for stack gas temperatures less than 160 C (320 F).

(3) For Methods 5 or 17, Method 1 is used to select the sampling site and the number of traverse sampling points. The sampling time for each run is at least 120 minutes and the minimum sampling volume is 1.7 dscm (60 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(4) For Method 5, the probe and filter holder heating system in the sampling train is set to provide a gas temperature no greater than 160°C (32°F).

(5) For determination of particulate emissions, the oxygen or carbon-dioxide sample is obtained simultaneously with each run of Methods 5 or 17 by traversing the duct at the same sampling location. Method 1 is used for selection of the number of traverse points except that no more than 12 sample points are required.

(6) For each run using Methods 5 or 17, the emission rate expressed in ng/J heat input is determined using the oxygen or carbon-dioxide measurements and particulate matter measurements obtained under this section, the dry basis F_c-factor and the dry basis emission rate calculation procedure contained in Method 19 (Appendix A).

(7) Prior to the Administrator's issuance of a particulate matter reference method that does not experience sulfuric acid mist interference problems, particulate matter emissions may be sampled prior to a wet flue gas desulfurization system.

(b) The following procedures and methods are used to determine compliance with the sulfur dioxide standards under § 60.43a.

(1) Determine the percent of potential combustion concentration (percent PCC) emitted to the atmosphere as follows:

(i) *Fuel Pretreatment (% R_f):* Determine the percent reduction achieved by any fuel pretreatment using the procedures in Method 19 (Appendix A). Calculate the average percent reduction for fuel pretreatment on a quarterly basis using fuel analysis data. The determination of percent R_f to calculate the percent of potential combustion concentration emitted to the atmosphere is optional. For purposes of determining compliance with any percent reduction requirements under § 60.43a, any reduction in potential SO_2 emissions resulting from the following processes may be credited:

(A) Fuel pretreatment (physical coal cleaning, hydrodesulfurization of fuel oil, etc.),

(B) Coal pulverizers, and

(C) Bottom and flyash interactions.

(ii) *Sulfur Dioxide Control System (% R_g):* Determine the percent sulfur dioxide reduction achieved by any sulfur dioxide control system using emission rates measured before and after the control system, following the procedures in Method 19 (Appendix A); or, a combination of an "as fired" fuel monitor and emission rates measured after the control system, following the procedures in Method 19 (Appendix A). When the "as fired" fuel monitor is used, the percent reduction is calculated using the average emission rate from the sulfur dioxide control device and the average SO_2 input rate from the "as fired" fuel analysis for 30 successive boiler operating days.

(iii) *Overall percent reduction (% R_o):* Determine the overall percent reduction using the results obtained in paragraphs (b)(1) (i) and (ii) of this section following the procedures in Method 19 (Appendix A). Results are calculated for each 30-day period using the quarterly average percent sulfur reduction determined for fuel pretreatment from the previous quarter and the sulfur dioxide reduction achieved by a sulfur dioxide control system for each 30-day period in the current quarter.

(iv) *Percent emitted (% PCC):* Calculate the percent of potential combustion concentration emitted to the atmosphere using the following equation: Percent PCC=100—Percent R_o

(2) Determine the sulfur dioxide emission rates following the procedures in Method 19 (Appendix A).

(c) The procedures and methods outlined in Method 19 (Appendix A) are used in conjunction with the 30-day nitrogen-oxides emission data collected under § 60.47a to determine compliance with the applicable nitrogen oxides standard under § 60.44.

(d) Electric utility combined cycle gas turbines are performance tested for particulate matter, sulfur dioxide, and nitrogen oxides using the procedures of Method 19 (Appendix A). The sulfur dioxide and nitrogen oxides emission rates from the gas turbine used in Method 19 (Appendix A) calculations are determined when the gas turbine is performance tested under subpart GG. The potential uncontrolled particulate matter emission rate from a gas turbine is defined as 17 ng/J (0.04 lb/million Btu) heat input.

§ 60.49a Reporting requirements.

(a) For sulfur dioxide, nitrogen oxides, and particulate matter emissions, the performance test data from the initial performance test and from the performance evaluation of the continuous monitors (including the transmissometer) are submitted to the Administrator.

(b) For sulfur dioxide and nitrogen oxides the following information is reported to the Administrator for each 24-hour period.

(1) Calendar date.

(2) The average sulfur dioxide and nitrogen oxide emission rates (ng/J or lb/million Btu) for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the emission standards; and, description of corrective actions taken.

(3) Percent reduction of the potential combustion concentration of sulfur dioxide for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the standard; and, description of corrective actions taken.

(4) Identification of the boiler operating days for which pollutant or dilutent data have not been obtained by an approved method for at least 18 hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.

(5) Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, malfunction (NO_x only), emergency conditions (SO_2 only), or other reasons, and justification for excluding data for reasons other than startup, shutdown, malfunction, or emergency conditions.

(6) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

(7) Identification of times when hourly averages have been obtained based on manual sampling methods.

(8) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

(9) Description of any modifications to the continuous monitoring system which could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3.

(c) If the minimum quantity of emission data as required by § 60.47a is not obtained for any 30 successive boiler operating days, the following information obtained under the requirements of § 60.46a(h) is reported to the Administrator for that 30-day period:

(1) The number of hourly averages available for outlet emission rates (n_o) and inlet emission rates (n_i) as applicable.

(2) The standard deviation of hourly averages for outlet emission rates (s_o) and inlet emission rates (s_i) as applicable.

(3) The lower confidence limit for the mean outlet emission rate (E_o^*) and the upper confidence limit for the mean inlet emission rate (E_i^*) as applicable.

(4) The applicable potential combustion concentration.

(5) The ratio of the upper confidence limit for the mean outlet emission rate (E_o^*) and the allowable emission rate (E_{std}) as applicable.

(d) If any standards under § 60.43a are exceeded during emergency conditions because of control system malfunction, the owner or operator of the affected facility shall submit a signed statement:

(1) Indicating if emergency conditions existed and requirements under § 60.46a(d) were met during each period, and

(2) Listing the following information:

(i) Time periods the emergency condition existed;

(ii) Electrical output and demand on the owner or operator's electric utility system and the affected facility;

(iii) Amount of power purchased from interconnected neighboring utility companies during the emergency period;

(iv) Percent reduction in emissions achieved;

(v) Atmospheric emission rate (ng/J) of the pollutant discharged; and

(vi) Actions taken to correct control system malfunction.

(e) If fuel pretreatment credit toward the sulfur dioxide emission standard under § 60.43a is claimed, the owner or operator of the affected facility shall submit a signed statement:

(1) Indicating what percentage cleaning credit was taken for the calendar quarter, and whether the credit was determined in accordance with the

provisions of § 60.48a and Method 19 (Appendix A); and

(2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous quarter; the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous quarter.

(f) For any periods for which opacity, sulfur dioxide or nitrogen oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(g) The owner or operator of the affected facility shall submit a signed statement indicating whether:

(1) The required continuous monitoring system calibration, span, and drift checks or other periodic audits have or have not been performed as specified.

(2) The data used to show compliance was or was not obtained in accordance with approved methods and procedures of this part and is representative of plant performance.

(3) The minimum data requirements have or have not been met; or, the minimum data requirements have not been met for errors that were unavoidable.

(4) Compliance with the standards has or has not been achieved during the reporting period.

(h) For the purposes of the reports required under § 60.7, periods of excess emissions are defined as all 6-minute periods during which the average opacity exceeds the applicable opacity standards under § 60.42a(b). Opacity levels in excess of the applicable opacity standard and the date of such excesses are to be submitted to the Administrator each calendar quarter.

(i) The owner or operator of an affected facility shall submit the written reports required under this section and subpart A to the Administrator for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(Sec. 114, Clean Air Act as amended (42 U.S.C. 7414).)

4. Appendix A to part 60 is amended by adding new reference Method 19 as follows:

Appendix A—Reference Methods

* * * * *

Method 19. Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates From Electric Utility Steam Generators

1. *Principle and Applicability*

1.1 *Principle.*

1.1.1 Fuel samples from before and after fuel pretreatment systems are collected and analyzed for sulfur and heat content, and the percent sulfur dioxide (ng/Joule, lb/million Btu) reduction is calculated on a dry basis. (Optional Procedure.)

1.1.2 Sulfur dioxide and oxygen or carbon dioxide concentration data obtained from sampling emissions upstream and downstream of sulfur dioxide control devices are used to calculate sulfur dioxide removal efficiencies. (Minimum Requirement.) As an alternative to sulfur dioxide monitoring upstream of sulfur dioxide control devices, fuel samples may be collected in an as-fired condition and analyzed for sulfur and heat content. (Optional Procedure.)

1.1.3 An overall sulfur dioxide emission reduction efficiency is calculated from the efficiency of fuel pretreatment systems and the efficiency of sulfur dioxide control devices.

1.1.4 Particulate, sulfur dioxide, nitrogen oxides, and oxygen or carbon dioxide concentration data obtained from sampling emissions downstream from sulfur dioxide control devices are used along with F factors to calculate particulate, sulfur dioxide, and nitrogen oxides emission rates. F factors are values relating combustion gas volume to the heat content of fuels.

1.2 *Applicability.* This method is applicable for determining sulfur removal efficiencies of fuel pretreatment and sulfur dioxide control devices and the overall reduction of potential sulfur dioxide emissions from electric utility steam generators. This method is also applicable for the determination of particulate, sulfur dioxide, and nitrogen oxides emission rates.

2. *Determination of Sulfur Dioxide Removal Efficiency of Fuel Pretreatment Systems*

2.1 *Solid Fossil Fuel.*

2.1.1 *Sample Increment Collection.* Use ASTM D 2234 [1], Type I, conditions A, B, or C, and systematic spacing. Determine the number and weight of increments required per gross sample representing each coal lot according to Table 2 or Paragraph 7.1.5.2 of ASTM D 2234 [1]. Collect one gross sample for each raw coal lot and one gross sample for each product coal lot.

2.1.2 *ASTM Lot Size.* For the purpose of Section 2.1.1, the product coal lot size is defined as the weight of product coal produced from one type of raw coal. The raw coal lot size is the weight of raw coal used to produce one product coal lot. Typically, the lot size is the weight of coal processsed in a 1-day (24 hours) period. If more than one type of coal is treated and produced in 1 day, then gross samples must be collected and analyzed for each type of coal. A coal lot size equaling the 90-day quarterly fuel quantity for a specific power plant may be used if representative sampling can be conducted for the raw coal and product coal.

Note.—Alternate definitions of fuel lot sizes may be specified subject to prior approval of the Administrator.

2.1.3 *Gross Sample Analysis.* Determine the percent sulfur content (%S) and gross calorific value (GCV) of the solid fuel on a dry basis for each gross sample. Use ASTM 2013 [1] for sample preparation, ASTM D 3177 [1] for sulfur analysis, and ASTM D 3173 [1] for moisture analysis. Use ASTM D 3176 [1] for gross calorific value determination.

2.2 *Liquid Fossil Fuel.*

2.2.1 *Sample Collection.* Use ASTM D 270 [1] following the practices outlined for continuous sampling for each gross sample representing each fuel lot.

2.2.2 *Lot Size.* For the purposes of Section 2.2.1, the weight of product fuel from one pretreatment facility and intended as one shipment (ship load, barge load, etc.) is defined as one product fuel lot. The weight of each crude liquid fuel type used to produce one product fuel lot is defined as one inlet fuel lot.

Note.—Alternate definitions of fuel lot sizes may be specified subject to prior approval of the Administrator.

Note.—For the purposes of this method, raw or inlet fuel (coal or oil) is defined as the fuel delivered to the desulfurization pretreatment facility or to the steam generating plant. For pretreated oil the input oil to the oil desulfurization process (e.g. hydrotreatment emitted) is sampled.

2.2.3 *Sample Analysis.* Determine the percent sulfur content (%S) and gross calorific value (GCV). Use ASTMD 240 [1] for the sample analysis. This value can be assumed to be on a dry basis.

[1] Use the most recent revision or designation of the ASTM procedure specified.

[1] Use the most recent revision or designation of the ASTM procedure specified.

2.3 *Calculation of Sulfur Dioxide Removal Efficiency Due to Fuel Pretreatment.* Calculate the percent sulfur dioxide reduction due to fuel pretreatment using the following equation:

$$\%R_f = 100\left[1 - \frac{\%S_o/GCV_o}{\%S_i/GCV_i}\right]$$

Where:

$\%R_f$=Sulfur dioxide removal efficiency due pretreatment; percent.
$\%S_o$=Sulfur content of the product fuel lot on a dry basis; weight percent.
$\%S_i$=Sulfur content of the inlet fuel lot on a dry basis; weight percent.
GCV_o=Gross calorific value for the outlet fuel lot on a dry basis; kJ/kg (Btu/lb).
GCV_i=Gross calorific value for the inlet fuel lot on a dry basis; kJ/kg (Btu/lb).

Note.—If more than one fuel type is used to produce the product fuel, use the following equation to calculate the sulfur contents per unit of heat content of the total fuel lot, %S/GCV:

$$\%S/GCV = \sum_{k=1}^{n} Y_k(\%S_k/GCV_k)$$

Where:

Y_k=The fraction of total mass input derived from each type, k, of fuel.
$\%S_k$=Sulfur content of each fuel type, k, on a dry basis; weight percent.
GCV_k=Gross calorific value for each fuel type, k, on a dry basis; kJ/kg (Btu/lb).
n=The number of different types of fuels.

3. *Determination of Sulfur Removal Efficiency of the Sulfur Dioxide Control Device*

3.1 *Sampling.* Determine SO_2 emission rates at the inlet and outlet of the sulfur dioxide control system according to methods specified in the applicable subpart of the regulations and the procedures specified in Section 5. The inlet sulfur dioxide emission rate may be determined through fuel analysis (Optional, see Section 3.3.)

3.2. *Calculation.* Calculate the percent removal efficiency using the following equation:

$$\%R_{g(m)} = 100 \times \left(1.0 - \frac{E_{SO_2o}}{E_{SO_2i}}\right)$$

Where:

$\%R_g$ =Sulfur dioxide removal efficiency of the sulfur dioxide control system using inlet and outlet monitoring data; percent.
E_{SO_2o}=Sulfur dioxide emission rate from the outlet of the sulfur dioxide control system; ng/J (lb/million Btu).
E_{SO_2i}=Sulfur dioxide emission rate to the outlet of the sulfur dioxide control system; ng/J (lb/million Btu).

3.3 *As-fired Fuel Analysis (Optional Procedure).* If the owner or operator of an electric utility steam generator chooses to determine the sulfur dioxide input rate at the inlet to the sulfur dioxide control device through an as-fired fuel analysis in lieu of data from a sulfur dioxide control system inlet gas monitor, fuel samples must be collected in accordance with applicable paragraph in Section 2. The sampling can be conducted upstream of any fuel processing, e.g., plant coal pulverization. For the purposes of this section, a fuel lot size is defined as the weight of fuel consumed in 1 day (24 hours) and is directly related to the exhaust gas monitoring data at the outlet of the sulfur dioxide control system.

3.3.1 *Fuel Analysis.* Fuel samples must be analyzed for sulfur content and gross calorific value. The ASTM procedures for determining sulfur content are defined in the applicable paragraphs of Section 2.

3.3.2 *Calculation of Sulfur Dioxide Input Rate.* The sulfur dioxide input rate determined from fuel analysis is calculated by:

$$I_s = \frac{2.0(\%S_f)}{GCV} \times 10^7 \quad \text{for S. I. units.}$$

$$I_s = \frac{2.0(\%S_f)}{GCV} \times 10^4 \quad \text{for English units.}$$

Where:

I_s = Sulfur dioxide input rate from as-fired fuel analysis, ng/J (lb/million Btu).

$\%S_f$ = Sulfur content of as-fired fuel, on a dry basis, weight percent.

GCV = Gross calorific value for as-fired fuel, on a dry basis, kJ/kg (Btu/lb)

3.3.3 *Calculation of Sulfur Dioxide Emission Reduction Using As-fired Fuel Analysis.* The sulfur dioxide emission reduction efficiency is calculated using the sulfur input rate from paragraph 3.3.2 and the sulfur dioxide emission rate, E_{SO_2}, determined in the applicable paragraph of Section 5.3. The equation for sulfur dioxide emission reduction efficiency is:

$$\%R_{g(f)} = 100 \times \left(1.0 - \frac{E_{SO_2}}{I_s}\right)$$

Where:

$\%R_{g(f)}$ = Sulfur dioxide removal efficiency of the sulfur dioxide control system using as-fired fuel analysis data; percent.

E_{SO_2} = Sulfur dioxide emission rate from sulfur dioxide control system; ng/J (lb/million Btu).

I_s = Sulfur dioxide input rate from as-fired fuel analysis, ng/J (lb/million Btu).

4. *Calculation of Overall Reduction in Potential Sulfur Dioxide Emission*

4.1 The overall percent sulfur dioxide reduction calculation uses the sulfur dioxide concentration at the inlet to the sulfur dioxide control device as the base value. Any sulfur reduction realized through fuel cleaning is introduced into the equation as an average percent reduction, $\%R_f$.

4.2 Calculate the overall percent sulfur reduction as:

$$\%R_o = 100\left[1.0 - \left(1.0 - \frac{\%R_f}{100}\right)\left(1.0 - \frac{\%R_g}{100}\right)\right]$$

Where:

$\%R_o$ = Overall sulfur dioxide reduction; percent.

$\%R_f$ = Sulfur dioxide removal efficiency of fuel pretreatment from Section 2; percent. Refer to applicable subpart for definition of applicable averaging period.

$\%R_g$ = Sulfur dioxide removal efficiency of sulfur dioxide control device either O_2 or CO_2 - based calculation or calculated from fuel analysis and emission data, from Section 3; percent. Refer to applicable subpart for definition of applicable averaging period.

5. *Calculation of Particulate, Sulfur Dioxide, and Nitrogen Oxides Emission Rates*

5.1 *Sampling.* Use the outlet SO_2 or O_2 or CO_2 concentrations data obtained in Section 3.1. Determine the particulate, NO_x, and O_2 or CO_2 concentrations according to methods specified in an applicable subpart of the regulations.

5.2 *Determination of an F Factor.* Select an average F factor (Section 5.2.1) or calculate an applicable F factor (Section 5.2.2.). If combined fuels are fired, the selected or calculated F factors are prorated using the procedures in Section 5.2.3. F factors are ratios of the gas volume released during combustion of a fuel divided by the heat content of the fuel. A dry F factor (F_d) is the ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted; a wet F factor (F_w) is the ratio of the volume of wet flue gases generated to the calorific value of the fuel combusted; and the carbon F factor (F_c) is the ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted. When pollutant and oxygen concentrations have been determined in Section 5.1, wet or dry F factors are used. (F_w) factors and associated emission calculation procedures are not applicable and may not be used after wet scrubbers; (F_c) or (F_d) factors and associated emission calculation procedures are used after wet scrubbers.) When pollutant and carbon dioxide concentrations have been determined in Section 5.1, F_c factors are used.

5.2.1 *Average F Factors.* Table 1 shows average F_d, F_w, and F_c factors (scm/J, scf/million Btu) determined for commonly used fuels. For fuels not listed in Table 1, the F factors are calculated according to the procedures outlined in Section 5.2.2 of this section.

5.2.2 *Calculating an F Factor.* If the fuel burned is not listed in Table 1 or if the owner or operator chooses to determine an F factor rather than use the tabulated data, F factors are calculated using the equations below. The sampling and analysis procedures followed in obtaining data for these calculations are subject to the approval of the Administrator and the Administrator should be consulted prior to data collection.

For SI Units:

$$F_d = \frac{227.0(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O)}{GCV}$$

$$F_w = \frac{347.4(\%H)+95.7(\%C)+35.4(\%S)+8.6(\%N)-28.5(\%O)+13.0(\%H_2O)^{**}}{GCV_w}$$

$$F_c = \frac{20.0(\%C)}{GCV}$$

For English Units:

$$F_d = \frac{10^6[5.57(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)]}{GCV}$$

$$F_w = \frac{10^6[5.57(\%H)+1.53(\%C)+0.57(\%S)+0.14(\%N)-0.46(\%O)+0.21(\%H_2O)^{**}]}{GCV_w}$$

$$F_c = \frac{10^6[0.321(\%C)]}{GCV}$$

** The $\%H_2O$ term may be omitted if %H and %O include the unavailable hydrogen and oxygen in the form of H_2O.

Where:

F_d, F_w, and F_c have the units of scm/J, or scf/million Btu; %H, %C, %S, %N, %O, and $\%H_2O$ are the concentrations by weight (expressed in percent) of hydrogen, carbon, sulfur, nitrogen, oxygen, and water from an ultimate analysis of the fuel; and GCV is the gross calorific value of the fuel in kJ/kg or Btu/lb and consistent with the ultimate analysis. Follow ASTM D 2015* for solid fuels, D 240* for liquid fuels, and D 1826* for gaseous fuels as applicable in determining GCV.

5.2.3 *Combined Fuel Firing F Factor.* For affected facilities firing combinations of fossil fuels or fossil fuels and wood residue, the F_d, F_w, or F_c factors determined by Sections 5.2.1 or 5.2.2 of this section shall be prorated in accordance with applicable formula as follows:

$$F_d = \sum_{k=1}^{n} x_k F_{dk} \quad \text{or}$$

$$F_w = \sum_{k=1}^{n} x_k F_{wk} \quad \text{or}$$

$$F_c = \sum_{k=1}^{n} x_k F_{ck}$$

Where:

x_k=The fraction of total heat input derived from each type of fuel, K.

n=The number of fuels being burned in combination.

5.3 *Calculation of Emission Rate.* Select from the following paragraphs the applicable calculation procedure and calculate the particulate, SO_2, and NO_x emission rate. The values in the equations are defined as:

E=Pollutant emission rate, ng/J (lb/million Btu).

C=Pollutant concentration, ng/scm (lb/scf).

Note.—It is necessary in some cases to convert measured concentration units to other units for these calculations.

Use the following table for such conversions:

Conversion Factors for Concentration

From—	To—	Multiply by—
g/scm	ng/scm	10^9
mg/scm	ng/scm	10^6
lb/scf	ng/scm	1.602×10^{13}
ppm(SO_2)	ng/scm	2.660×10^6
ppm(NO_2)	ng/scm	1.912×10^6
ppm/(SO_2)	lb/scf	1.660×10^{-7}
ppm/(NO_2)	lb/scf	1.194×10^{-7}

5.3.1 *Oxygen-Based F Factor Procedure.*

5.3.1.1 *Dry Basis.* When both percent oxygen ($\%O_{2d}$) and the pollutant concentration (C_d) are measured in the flue gas on a dry basis, the following equation is applicable:

$$E = C_d F_d \left[\frac{20.9}{20.9 - \%O_{2d}}\right]$$

5.3.1.2 *Wet Basis.* When both the percent oxygen ($\%O_{2w}$) and the pollutant concentration (C_w) are measured in the flue gas on a wet basis, the following equations are applicable: (Note: F_w factors are not applicable after wet scrubbers.)

(a) $$E = C_w F_w \left[\frac{20.9}{20.9(1 - B_{wa}) - \%O_{2w}}\right]$$

Where:

B_{wa}=Proportion by volume of water vapor in the ambient air.

In lieu of actual measurement, B_{wa} may be estimated as follows:

Note.—The following estimating factors are selected to assure that any negative error introduced in the term:

$$\left(\frac{20.9}{20.9(1 - B_{wa}) - \%O_{2ws}}\right)$$

will not be larger than −1.5 percent. However, positive errors, or overestimation of emissions, of as much as 5 percent may be introduced depending upon the geographic location of the facility and the associated range of ambient mositure.

(i) B_{wa}=0.027 This factor may be used as a constant value at any location.

(ii) B_{wa}=Highest monthly average of B_{wa} which occurred within a calendar year at the nearest Weather Service Station.

(iii) B_{wa}=Highest daily average of B_{wa} which occurred within a calendar month at the nearest Weather Service Station, calculated from the data for the past 3 years. This factor shall be calculated for each month and may be used as an estimating factor for the respective calendar month.

(b) $$E = C_w F_d \left[\frac{20.9}{20.9\,(1 - B_{ws}) - \%O_{2w}}\right]$$

Where:

B_{ws}=Proportion by volume of water vapor in the stack gas.

5.3.1.3 *Dry/Wet Basis.* When the pollutant concentration (C_w) is measured on a wet basis and the oxygen concentration ($\%O_{2d}$) or measured on a dry basis, the following equation is applicable:

$$E = \left[\frac{C_w F_d}{(1 - B_{ws})}\right] \left[\frac{20.9}{20.9 - \%O_{2d}}\right]$$

When the pollutant concentration (C_d) is measured on a dry basis and the oxygen concentration ($\%O_{2d}$) is measured on a wet basis, the following equation is applicable:

$$E = C_d F_d \frac{20.9}{20.9 - \left(\frac{\%O_{2w}}{(1 - B_{ws})}\right)}$$

5.3.2 *Carbon Dioxide-Based F Factor Procedure.*

5.3.2.1 *Dry Basis.* When both the percent carbon dioxide ($\%CO_{2d}$) and the pollutant concentration (C_d) are measured in the flue gas on a dry basis, the following equation is applicable:

$$E = C_d F_c \left(\frac{100}{\%CO_{2d}}\right)$$

5.3.2.2 *Wet Basis.* When both the percent carbon dioxide ($\%CO_{2w}$) and the pollutant concentration (C_w) are measured on a wet basis, the following equation is applicable:

$$E = C_w F_c \left(\frac{100}{\%CO_{2w}}\right)$$

5.3.2.3 *Dry/Wet Basis.* When the pollutant concentration (C_w) is measured on a wet basis and the percent carbon dioxide ($\%CO_{2d}$) is measured on a dry basis, the following equation is applicable:

$$E = \left[\frac{C_w F_c}{(1 - B_{ws})}\right] \left[\frac{100}{\%CO_{2d}}\right]$$

When the pollutant concentration (C_d) is measured on a dry basis and the precent carbon dioxide ($\%CO_{2w}$) is measured on a wet basis, the following equation is applicable:

$$E = C_d (1 - B_{ws}) F_c \left(\frac{100}{\%CO_{2w}}\right)$$

5.4 *Calculation of Emission Rate from Combined Cycle-Gas Turbine Systems.* For gas turbine-steam generator combined cycle systems, the emissions from supplemental fuel fired to the steam generator or the percentage reduction in potential (SO_2) emissions cannot be determined directly. Using measurements from the gas turbine exhaust (performance test, subpart GG) and the combined exhaust gases from the steam generator, calculate the emission rates for these two points following the appropriate paragraphs in Section 5.3.

Note.—F_w factors shall not be used to determine emission rates from gas turbines because of the injection of steam nor to calculate emission rates after wet scrubbers; F_d or F_c factor and associated calculation procedures are used to combine effluent emissions according to the procedure in Paragraph 5.2.3.

The emission rate from the steam generator is calculated as:

$$E_{sg} = \frac{E_c - X_{gt} E_{gt}}{X_{sg}}$$

Where:

E_{sg}=Pollutant emission rate from steam generator effluent, ng/J (lb/million Btu).
E_c=Pollutant emission rate in combined cycle effluent; ng/J (lb/million Btu).
E_{gt}=Pollutant emission rate from gas turbine effluent; ng/J (lb/million Btu).
X_{sg}=Fraction of total heat input from supplemental fuel fired to the steam generator.
X_{gt}=Fraction of total heat input from gas turbine exhaust gases.

Note.—The total heat input to the steam generator is the sum of the heat input from supplemental fuel fired to the steam generator and the heat input to the steam generator from the exhaust gases from the gas turbine.

5.5 *Effect of Wet Scrubber Exhaust, Direct-Fired Reheat Fuel Burning.* Some wet scrubber systems require that the temperature of the exhaust gas be raised above the moisture dew-point prior to the gas entering the stack. One method used to accomplish this is direct firing of an auxiliary burner into the exhaust gas. The heat required for such burners is from 1 to 2 percent of total heat input of the steam generating plant. The effect of this fuel burning on the exhaust gas components will be less than ±1.0 percent and will have a similar effect on emission rate calculations. Because of this small effect, a determination of effluent gas constituents from direct-fired reheat burners for correction of stack gas concentrations is not necessary.

Table 19-1.—*F Factors for Various fuels*[c]

Fuel type	F_d dscm/J	F_d dscf/10^6 Btu	F_w wscm/J	F_w wscf/10^6 Btu	F_c scm/J	F_c scf/10^6 Btu
Coal:						
Anthracite[a]	2.71×10^{-7}	(10100)	2.83×10^{-7}	(10540)	0.530×10^{-7}	(1970)
Bituminous[a]	2.63×10^{-7}	(9780)	2.86×10^{-7}	(10640)	0.484×10^{-7}	(1800)
Lignite	2.65×10^{-7}	(9860)	3.21×10^{-7}	(11950)	0.513×10^{-7}	(1910)
Oil[b]	2.47×10^{-7}	(9190)	2.77×10^{-7}	(10320)	0.383×10^{-7}	(1420)
Gas:						
Natural	2.43×10^{-7}	(8710)	2.85×10^{-7}	(10610)	0.287×10^{-7}	(1040)
Propane	2.34×10^{-7}	(8710)	2.74×10^{-7}	(10200)	0.321×10^{-7}	(1190)
Butane	2.34×10^{-7}	(8710)	2.79×10^{-7}	(10390)	0.337×10^{-7}	(1250)
Wood	2.48×10^{-7}	(9240)			0.492×10^{-7}	(1830)
Wood Bark	2.58×10^{-7}	(9600)			0.497×10^{-7}	(1850)

[a] As classified according to ASTM D 388-66.
[b] Crude, residual, or distillate.
[c] Determined at standard conditions: 20° C (68° F) and 760 mm Hg (29.92 in. Hg).

6. *Calculation of Confidence Limits for Inlet and Outlet Monitoring Data*

6.1 *Mean Emission Rates.* Calculate the mean emission rates using hourly averages in ng/J (lb/million Btu) for SO_2 and NO_x outlet data and, if applicable, SO_2 inlet data using the following equations:

$$E_o = \frac{\Sigma x_o}{n_o}$$

$$E_i = \frac{\Sigma x_i}{n_i}$$

Where:

E_o=Mean outlet emission rate; ng/J (lb/million Btu).
E_i=Mean inlet emission rate; ng/J (lb/million Btu).
x_o=Hourly average outlet emission rate; ng/J (lb/million Btu).
x_i=Hourly average in let emission rate; ng/j (lb/million Btu).
n_o=Number of outlet hourly averages available for the reporting period.
n_i=Number of inlet hourly averages available for reporting period.

6.2 *Standard Deviation of Hourly Emission Rates.* Calculate the standard deviation of the available outlet hourly average emission rates for SO_2 and NO_x and, if applicable, the available inlet hourly average emission rates for SO_2 using the following equations:

$$s_o = \left(\sqrt{\frac{1}{n_o} - \frac{1}{720}}\right)\left(\sqrt{\frac{\Sigma (E_o - x_o)^2}{n_o - 1}}\right)$$

$$s_i = \left(\sqrt{\frac{1}{n_i} - \frac{1}{720}}\right)\left(\sqrt{\frac{\Sigma (E_i - x_i)^2}{n_i - 1}}\right)$$

Where:

s_o=Standard deviation of the average outlet hourly average emission rates for the reporting period; ng/J (lb/million Btu).
s_i=Standard deviation of the average inlet hourly average emission rates for the reporting period; ng/J (lb/million Btu).

6.3 *Confidence Limits.* Calculate the lower confidence limit for the mean outlet emission rates for SO_2 and NO_x and, if applicable, the upper confidence limit for the mean inlet emission rate for SO_2 using the following equations:

$E_o^* = E_o - t_{0.95} s_o$
$E_i^* = E_i + t_{0.95} s_i$

Where:

E_o^*=The lower confidence limit for the mean outlet emission rates; ng/J (lb/million Btu).
E_i^*=The upper confidence limit for the mean inlet emission rate; ng/J (lb/million Btu).
$t_{0.95}$=Values shown below for the indicated number of available data points (n):

n	Values for $t_{0.95}$	$t_{0.95}$
2		6.31
3		2.42
4		2.35
5		2.13
6		2.02
7		1.94
8		1.89
9		1.86
10		1.83
11		1.81
12-16		1.77
17-21		1.73
22-26		1.71
27-31		1.70
32-51		1.68
52-91		1.67
92-151		1.66
152 or more		1.65

The values of this table are corrected for n-1 degrees of freedom. Use n equal to the number of hourly average data points.

7. *Calculation to Demonstrate Compliance When Available Monitoring Data Are Less Than the Required Minimum*

7.1 *Determine Potential Combustion Concentration (PCC) for SO_2.*

7.1.1 When the removal efficiency due to fuel pretreatment (% R_f) is included in the overall reduction in potential sulfur dioxide emissions (% R_o) and the "as-fired" fuel analysis is not used, the potential combustion concentration (PCC) is determined as follows:

$$PCC = E_i^* + 2\left(\frac{\%\ S_i}{GCV_i} - \frac{\%\ S_o}{GCV_o}\right) 10^7,\ ng/J$$

$$PCC = E_i^* + 2\left(\frac{\%\ S_i}{GCV_i} - \frac{\%\ S_o}{GCV_o}\right) 10^4,\ lb/million\ Btu.$$

Where:

$\left(\frac{\%\ S_i}{GCV_i} - \frac{\%\ S_o}{GCV_o}\right)$ = Potential emissions removed by the pretreatment process, using the fuel parameters defined in section 2.3; ng/J (lb/million Btu).

7.1.2 When the "as-fired" fuel analysis is used and the removal efficiency due to fuel pretreatment (% R_f) is not included in the overall reduction in potential sulfur dioxide emissions (% R_o), the potential combustion concentration (PCC) is determined as follows:

$PCC = I_s$

$$PCC = I_S + 2\left(\frac{\%\ S_f}{GCV_f} - \frac{\%\ S_o}{GCV_o}\right)10^7,\ ng/J$$

$$PCC = I_S + 2\left(\frac{\%\ S_f}{GCV_f} - \frac{\%\ S_o}{GCV_o}\right)10^4,\ lb/million\ Btu.$$

Where:

I_s = The sulfur dioxide input rate as defined in section 3.3

7.1.3 When the "as-fired" fuel analysis is used and the removal efficiency due to fuel pretreatment (% R_f) is included in the overall reduction (% R_o), the potential combustion concentration (PCC) is determined as follows:

7.1.4 When inlet monitoring data are used and the removal efficiency due to fuel pretreatment (% R_f) is not included in the overall reduction in potential sulfur dioxide emissions (% R_o), the potential combustion concentration (PCC) is determined as follows:

$PCC = E_i^*$

Where:

E_i^* = The upper confidence limit of the mean inlet emission rate, as determined in section 6.3.

7.2 *Determine Allowable Emission Rates (E_{std}).*

7.2.1 *NO_x.* Use the allowable emission rates for NO_x as directly defined by the applicable standard in terms of ng/J (lb/million Btu).

7.2.2 *SO_2.* Use the potential combustion concentration (PCC) for SO_2 as determined in section 7.1, to determine the applicable emission standard. If the applicable standard is an allowable emission rate in ng/J (lb/million Btu), the allowable emission rate is used as E_{std}. If the applicable standard is an allowable percent emission, calculate the allowable emission rate (E_{std}) using the following equation:

$E_{std} = \%\ PCC/100$

Where:

% PCC = Allowable percent emission as defined by the applicable standard; percent.

7.3 *Calculate E_o^*/E_{std}.* To determine compliance for the reporting period calculate the ratio:

E_o^*/E_{std}

Where:

E_o^* = The lower confidence limit for the mean outlet emission rates, as defined in section 6.3; ng/J (lb/million Btu).

E_{std} = Allowable emission rate as defined in section 7.2; ng/J (lb/million Btu).

If E_o^*/E_{std} is equal to or less than 1.0, the facility is in compliance; if E_o^*/E_{std} is greater than 1.0, the facility is not in compliance for the reporting period.

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Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Prime Farmland; Initial Regulatory Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[30 CFR Part 716]

Prime Farmland; Initial Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Proposed Rule and Notice of Public Hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (the Office) proposes to amend portions of its initial regulatory program (42 FR 62639–62716, December 13, 1977) relating to prime farmland. The proposed changes and the basis and purpose of the proposal are further discussed below. The Office is required to effect these changes primarily as a result of the decisions of the United States District Court in *In re Surface Mining Regualtion Litigation,* 452 F. Supp. 327 (D. D.C. 1978) and 456 F. Supp. 1301 (D. D.C. 1978). The Office is also proposing changes which are not the direct result of the court's decisions. The proposed regulations are intended to replace those portions of the prime farmland regulations which the court enjoined and remanded to the Secretary of the Interior for reconsideration, to clarify some provisions of the regulations, and to make the Office's initial regulations with respect to prime farmland more analogous to the permanent regulatory program on prime farmland.

DATES: The comment period on the proposed rules will extend until July 27, 1979. All written comments must be received at the address given below under "ADDRESS" by 5 p.m. on July 27, 1979.

Public hearings on the proposed regulations will be held on June 27, 1979, beginning at 9:30 a.m. local time at each location.

Washington— Department of the Interior Auditorium, 18th & C Sreets, N.W., Washington, D.C.
Indianapolis—Indiana World War Memorial Auditorium, 431 North Meridian Street, Indianapolis, Indiana.
Kansas City—New Federal Building, Room 147/148, 601 East 12th Street, Kansas City, Missouri 64106.

Person wishing to testify at the public hearings on the proposed regulations should contact the appropriate person listed below under "PUBLIC MEETINGS".

Individuals testifying at these hearings will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements to the persons identified below, under "SUPPLEMENTAL INFORMATION," for these hearings, in advance of the hearing date whenever possible, would greatly assist Office officials who will attend the hearings. Advance submission will give these officials an opportunity to consider appropriate questions which could be asked to clarify or elicit more specific information from the person testifying. The record will remain open until July 27, 1979, for comments on the proposed regulations.

The public hearings will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard at the end of the scheduled speakers. The hearings will end after all people scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but who wish to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, Administrative Record Office, Room 120, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, telephone 202–343–4728. All comments received and the transcript of the public hearing will be available for further inspection at the same address.

FOR FURTHER INFORMATION CONTACT: Dr. David R. Maneval, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240, Telephone: 202–343–4264.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 1977 (42 FR 62639–62716), the Office promulgated final initial regulations (30 CFR Chapter VII) as required by Section 501(a) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. Section 1251(a), (SMCRA or the Act). Section 716.7 of the initial regulations pertains to surface coal mining and reclamation operations conducted on prime farmland. (42 FR 62693–95 (1977).)

The validity of § 716.7 was challenged in *In re Surface Mining Regulation Litigation,* 452 F. Supp. 327 (D. D.C. 1978) and 456 F. Supp. 1301 (D. D.C. 1978). The court's opinions in these cases as they relate to prime farmland will be discussed below in greater detail under the headings "HISTORICAL USE CLAUSE" and "GRANDFATHER EXEMPTION." The regulations which are discussed under those headings are intended primarily to replace those portions of the initial prime farmland regulations which the court enjoined and remanded to the Secretary of the Interior for reconsideration. When promulgated in final form, after public hearing and analysis of comments, these rules together with the unaffected portion of § 716.7 of the initial regulations will constitute the initial regulations of the Office with regard to surface coal mining and reclamation operations on prime farmland.

Public Participation

Procedures for filing written comments are described above under the heading "ADDRESSES." Public hearings will be held on June 27, 1979, beginning at 9:30 a.m. in the locations listed above under "DATES."

Public Comments

Written and oral comments should be as specific as possible. The Office will appreciate any and all comments, but those most useful and likely to influence decisions on these regulations will be those which include references to source material, including legislative history, technical data and research, and other material which provides a basis for any given recommendation. An explanation of the rationale for each recommendation should also be given. The preamble to the final regulations will reflect consideration of comments received on the proposed rules.

Public Meetings

Representatives of the Office will be available to meet between June 15, 1979, and July 27, 1979, at the request of members of the public, State representatives, industry officials, labor representatives, and environmental organizations to receive their advice and recommendations concerning the content of the proposed regulations.

Persons wishing to meet with representatives of the Office during this time period may request to meet with Office officials at the Washington Office or the two Regional Offices. Persons to contact to schedule such meetings are as follows:

Indianapolis—Norma Dailey (317) 269–2600.
Kansas City—Kerry Cartier (816) 374–2618.
Washington—Arlo Dalrymple (202) 343–5261.

The Office will be available for such meetings between 9:00 a.m. and noon and 1:00 p.m. and 4:00 p.m. local time, Monday through Friday, excluding holidays at these locations.

Availability of Copies

Copies of the proposed regulations are available for inspection and copies may be obtained at the following offices:

OSM Headquarters, Department of the Interior, Room 120, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202–343–4278.
OSM Region I, 1st Floor, Thomas Hill Building, 950 Kanawha Boulevard, East, Charleston, West Virginia 25301, 304–342–8125.
OSM Region II, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902, 615–637–8060.
OSM Region III, Room 502, Federal Building, U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204, 317–269–2600.
OSM Region IV, New Federal Building, Room 147/148, Kansas City, Missouri, 918–758–2193.
OSM Region V, Old Post Office—Downtown, 1832 Stout Street, Denver, Colorado, 303–837–5511.

Historical Use Clause

Sections 501(d) and 515(b)(7) of the Act provide for special environmental protection during the mining and reclamation process for lands classified as "prime farmland." Section 701(20) of the Act defines prime farmland as having the same meaning as that previously prescribed and published by the Secretary of Agriculture and lists several factors which shall be the components of that definition.

In addition, Section 701(20) requires that land meeting the technical criteria of the Department of Agriculture must also have been historically used for intensive agricultural purposes. (30 U.S.C. Section 1291(20).)

The statutory definition of prime farmland was implemented in the initial regulations of the Office in § 716.7 (a) and (b). (42 FR 62693–95 (1977).) The technical criteria which had previously been published by the Secretary of Agriculture were referenced in Section 716.7(b) and the pertinent portion of the technical criteria was reproduced for the convenience of the reader. (42 FR 62694 (1977).) Section 716.7(b) was not challenged in the litigation and thus was not an issue in the district court's opinion. The proposed amendments also incorporate but do not reproduce the technical criteria of the Secretary of Agriculture in the definition of prime farmland. (See proposed § 716.7(b).)

Section 716.7(a)(1) of the initial regulations further defined the concept of historic use for intensive agricultural purposes by specifying the historical use period (the period of time the land must have been in crop production) as at least 5 years out of the 20 years preceding the date of the permit application. (42 FR 62693 (1977).) The district court enjoined this part of the initial regulations because the regulation was not explained or supported in the preamble and the regulation as written was overly broad. (*See In re Surface Mining Regulation Litigation*, 456 F. Supp. at 1312 (D. D.C. 1978).)

It has been estimated that there are about 250 million acres of soils which could be classified as prime farmland and which have a demonstrated cropland use. (H.R. Rep. No. 95–218, 95th Cong. 1st Sess. 105 (1977).) The total acreage of the five cropland classes has remained relatively constant since 1949, a peak cropland year. (U.S. Department of Agriculture, 1978 Handbook of Agricultural Charts, Agriculture Handbook 551, p. 27.) It is, therefore, assumed that nearly all prime farmland with a cropland history would have been in crop production for some amount of time since 1949. As a result, the historical use period need not extend back before that year.

The Office considered the following alternatives for the historical use period: (1) Choose a time frame of 20 years or less and a specified number of years within that time (e.g., 5 in 20, 14 in 20, 4 years prior, 10-year history, 5 in 10, 7 in 10, 1 in 2, anytime, etc.); (2) allow for substantial flexibility by leaving the precise definition to the regulatory authority or other State, Federal, or land management agencies; and (3) make no change (i.e., use 5 in 20).

The Office believes the third alternative is not a reasonable approach since making no change would result in only a partial implementation of the Act's prime farmland provisions and would be in violation of the court's order.

The Office believes the second alternative is accommodated through the proposed uniform standard which also affords flexibility for regulatory authorities to take local conditions and practices into account.

A historical use period of 10 years was suggested by many commenters in the Office's permanent regulatory program rulemaking. (44 FR 14931, March 13, 1979.) The Office believes that an established use period to 10 years is adequate to determine historical uses. Further, the Office believes that the cropland record for this period of time is readily available from local sources. A period of 10 years should be sufficient in the majority of cases to identify prime farmland soils which have a demonstrated cropland use and to reflect modern agricultural practices such as placement of land in land banks or other deferment status. A period of less than 10 years was not chosen because the Office believes that a land use history of less than 10 years would not establish a true land use history.

Prime farmland used as cropland for 50 percent or more of the historical use period will be considered as prime farmland historically used as cropland. Fifty percent or more was chosen because this represents the predominant land use in the historical period. As a result, the proposed regulation provides that a predominant land use in the historical period has been established and the land qualifies as having been historically used for cropland if the land in question has been used as cropland for 5 or more years of the 10-year period. (See proposed §§ 716.7(b) and 716.7(d)(1).)

Grandfather Clause

Section 510(d)(2) of the Act, 30 U.S.C. Section 1260(d)(2), sets forth a grandfather exemption with respect to some surface coal mining and reclamation operations as follows:

> Nothing in this Subsection shall apply to any permit issued prior to the date of enactment of this Act, or to any revisions or renewals thereof, or to any existing surface mining operations for which a permit was issued prior to the date of enactment of this Act.

The grandfather clause was implemented in the initial regulations of the Office as Section 716.7(a)(2). (See 42 FR 62693 (1977).)

The District Court held that this Section was generally a reasonable exercise of the Secretary's discretion in implementing the Act and properly limited the areas which are exempt from the prime farmland provision of the initial regulations. (*See In re Surface Mining Regulation Litigation*, 452 F. Supp. at 340 (D. D.C. 1978). However, to the extent that § 716.7(a)(2) as originally promulgated attempted to limit the effect of the grandfather exemption to the permit application requirements of Section 510(d)(1) of the Act, the court found that the regulation was an incorrect application of the statute. The court found that the exemption stated in Section 510(d)(2) of the Act specifically applies to the prime farmland performance standards of Section

515(b)(7), 30 U.S.C. Section 1265(b)(7), as well as to the permit application requirements of Section 510(d)(1) of the Act. The court then enjoined enforcement of the provisions of § 716.7 to the extent they imposed performance standards on operations exempt from those requirements under Section 510(d)(2) of the Act. Thus, the grandfather clause, as a result of the court's opinion, should be construed as exempting surface coal mining and reclamation operations operating under permits issued prior to August 3, 1977, or renewals or revisions thereof, from both the prime farmland permit application requirements and performance standards. The Office proposes to amend § 716.7 to reflect this judicial construction of the Act. (See proposed § 716.7(a)(2).) The proposed amendment does not relieve an operator from compliance with all other applicable performance standards of the initial program for those surface coal mining and reclamation operations in areas which, but for application of the grandfather clause, would qualify for classification as prime farmland.

Other Changes

The Office proposes to make other changes in § 716.7 to clarify its requirements and to make the prime farmland regulations of the initial program more analogous to the prime farmland regulations of the permanent regulatory program. These proposed changes are described below.

As noted above, the Act defines prime farmland as lands which meet certain technical criteria and which have been historically used for intensive agricultural purposes. (Section 701(20) of the Act.) For purposes of the initial regulations, "intensive agricultural purposes" was defined as "cultivated crops." (See §§ 716.7(a)(1) and 716.7(d)(1); 42 FR 62693 and 62694 (1977) respectively.) The Office proposes to amend § 716.7 (b) and (d)(1) to substitute "cropland" for "cultivated crops" because cropland is a term with a long history of use by the Department of Agriculture and is a basis for collection of statistical data on crop production and land use. "Cropland" is the term used in the Office's permanent regulatory program and the Office intends that the definition and scope of the term be the same in the initial and permanent programs. (See 44 FR 14928 March 13, 1979).)

The initial regulations now provide that the date from which the historical use period must be measured is the date of the permit application. (See 42 FR 62693 (December 1977).) The Office is proposing to establish a different date for calculation of the use period. Among the alternatives considered were the date of (1) the Act, (2) the initial regulations, (3) the permit application, and (4) the acquisition of land for the purpose of mining. The dates of the Act, regulations, or permit application have not been proposed because they may not truly represent the land use history of the land. The Office believes that the period of time prior to the date of acquisition of the land for mining purposes is more representative because that time period is less likely to be influenced by the proposed mining activity. Accordingly, the Office proposes to amend §§ 716.7(b) and 716.7(d)(1) to reflect this change.

During the recently concluded permanent program relemaking, the Office received comments stating that local farming conditions vary considerably from region to region and are heavily dependent on the local economy, market conditions, and governmental structure and regulation. As a result, the Office's permanent program regulations relating to prime farmland include provision for the regulatory authority to have flexibility to classify as prime farmland those lands important to the State or local economy. (See 44 FR 15318 (March 13, 1979).) The Office believes this flexibility is also appropriate for the initial regulatory program and proposes to amend § 716.7(b) accordingly. Under this Section, the regulatory authority may only increase and not decrease prime farmland acreage.

Finally, the Office proposes to amend § 716.7(b) to include within the category of prime farmland those lands which are taken out of cropland use for more than 5 years in 10 due to ownership circumstances which do not relate to the capability of the land to produce crops (e.g., retirement, litigation, death). Such land may be prime farmland in a temporarily inactive state and should be entitled to protection against loss of productivity under the Act. As in the case of the above-described language affording flexibility to the regulatory authority, this proposed language is similar to the definition of prime farmland in the permanent program and, the Office believes, is appropriate for addition to the initial program.

Drafting Information

The principal authors of these proposed regulations are as follows:

1. Arlo Dalrymple (202) 343–5261
2. Lee de Moulin (202) 343–5261
3. Donald Smith (317) 331–2673)

Statements of Significance and Environmental Impact

The department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. Section 702(d) of the Act (30 U.S.C. Section 1292(d)) exempts this action from the environmental impact statement reguirement of the National Environmental Policy Act.

Dated: June 4, 1979.

Joan M. Davenport

Assistant Secretary—Energy and minerals.

In consideration of the foregoing, it is proposed to amend § 716.7 (42 FR 62693–95, December 13, 1977) (to be codified in 30 CFR § 716.7), as follows:

By revising § 716.7(a)(1) and (2), (b) and (d)(1) to read:

§ 716.7 Prime farmland.

(a) *Applicability.* (1) Permittees of surface coal mining and reclamation operations conducted on prime farmland shall comply with the general performance standards of Part 715 of this chapter in addition to the special requirements of this section.

(2) The requirements of this Section are applicable to any permit issued on or after August 3, 1977. Permits issued before that date and revisions or renewals of those permits need not conform to the provisions of this Section. Permit renewals or revisions shall include only those areas that —

(i) were in the original permit area or in a mining plan approved prior to August 3, 1977; or

(ii) are contiguous and under State regulation or practice would have normally been considered as a renewal or revision of a previously approved plan.

(b) *Definitions.* For purposes of this Section, the following definitions are applicable.

(1) *Prime farmland* means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 and which have been historically used for cropland.

(2) *Historically used for cropland.* means (i) lands that have been used for cropland for any 5 years or more out of the 10 years immediately preceding the acquisition, including purchase, lease, or option, of the land for the purpose of conducting or allowing through resale, lease, or option the conduct of surface coal mining and reclamation operations; (ii) lands that the regulatory authority determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration,

that the permit area is clearly cropland but falls outside the specific 5-years-in-10 criterion, in which case the regulations for prime farmland may be applied to include more years of cropland history only to increase the prime farmland acreage to be protected, or (iii) lands that would likely have been used as cropland for any 5 out of the last 10 years, immediately preceding such acquisition but for some fact of ownership or control of the land unrelated to the productivity of the land.

(3) *Cropland* means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar speciality crops.

* * * * *

(d) * * *

(1) lands within the proposed permit boundaries have not been historically used for cropland.

* * * * *

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Federal Register

Monday
June 11, 1979

Part IV

Department of Energy

Office of the Secretary

Safeguarding of Restricted Data

DEPARTMENT OF ENERGY

Office of the Secretary

[10 CFR Part 795]

Safeguarding of Restricted Data

AGENCY: Department of Energy (DOE).

ACTION: Proposed Rule.

SUMMARY: The Department of Energy proposes a revision of 10 CFR Part 795 which concerns the requirements for the safeguarding and transmission of Secret and Confidential Restricted Data. Part 795 is applicable to all persons who receive or generate Restricted Data under an Access Permit issued pursuant to the regulations in Part 725-"Permits for access to Restricted Data" of 10 CFR, Chapter III.

Continual upgrading of security procedures by DOE, both for DOE held Restricted Data and that data held by DOE contractors, has left a considerable gap between these procedures and Part 795. In addition, areas such as automatic data processing systems are not within the scope of the present Part 795. In an effort to update and upgrade Part 795, this revision is proposed.

The changes vary in complexity and relate in general to the following matters: new definitions; submission of procedures by access permit holders; protection of Restricted Data in storage; establishment of security areas; qualification of protective personnel; certification of DOD and NASA personnel; preparation and transmission of classified documents; shipment of classified material; security of automatic data processing systems; and reports on foreign travel.

DATES: Comments must be received on or before July 11, 1979.

ADDRESSES: Comments should be sent to George Weisz, Director, Office of Safeguards and Security, Department of Energy, 20 Massachusetts Avenue, NW, Washington, D.C. 20545, (301) 353-5106.

FOR FURTHER INFORMATION CONTACT: W. E. Gilbert, Jr., Chief, Programs and Policy Branch, Office of Safeguards and Security, U.S. Department of Energy, Washington, D.C. 20545, 301/353-5690.

SUPPLEMENTARY INFORMATION: Significant changes to 10 CFR Part 795 which would be effected by the proposed revision are as follows:

1. "ERDA" and the titles of former ERDA officials would be changed to "DOE" and the titles of comparable DOE officials throughout the Part.

2. Definitions of the following terms would be added for clarity of the succeeding text.

§ 795.3(c) Automatic data processing system
(d) Authorized derivative classifier
(e) Data
(j) General Counsel
(k) Guard
(l) Information
(n) Material
(o) Matter
(s) Protective Personnel
(x) Security container
(y) Security inspector

3. The requirements of § 795.21(a) and 795.21(b) for protection of Restricted Data in storage would be upgraded for comparability with DOE standards established under the authority of the Atomic Energy Act of 1954, as amended.

4. New § 795.21(f) and 795.21(g) would provide additional procedural guidance for the selection and administrative control of lock combinations.

5. New § 795.21(h), 795.21(i), and 795.21(j) would provide additional procedural guidance for the surveillance and protection of unattended security repositories.

6. New § 795.25(c) and 795.25(e) would provide qualification standards for security inspectors employed for the protection of Restricted Data.

7. Section 795.31 would be revised to provide amplified guidance for the control of access to Restricted Data by employees of the DOD or NASA.

8. Sections 795.32(c), 795.32(d), and 795.32(e) would be revised to provide amplified guidance for the classification marking of Restricted Data documents, including drafts and letters or transmittal.

9. Section 795.33(d) would be revised to delete methods of transportation no longer available, to add additional authorized alternate methods of transportation, and to provide additional guidance for the protection of Restricted Data in transit.

10. New § 795.38 would add the requirement that ADP systems used for processing of Restricted Data must be approved by DOE.

11. New § 795.43(c) would require reports to DOE of travel to Soviet-bloc countries by Access Permittee employees who have had access to C-24 category of information.

Interested persons are invited to submit written comments with respect to the proposed regulations to the address provided above. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Safeguarding of Restricted Data." Fifteen (15) copies should be received by DOE by the deadline specified, in order to ensure consideration.

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that these regulations present no substantial issue of fact or law, and are unlikely to have a substantial impact on the economy or large numbers of individuals or businesses. Accordingly, no public hearing is required.

Since this document is unlikely to have any significant effect on the environment, DOE has determined that the provisions of section 7(a)(2) of the Federal Energy Administration Act, as amended, requiring that proposals having such effect be submitted to the Environmental Protection Agency for review and comment, does not apply.

DOE has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

(Atomic Energy Act of 1954, as amended, Section 161.i., 68 Stat. 948, 42 U.S.C. 2201; Energy Reorganization Act of 1974, Section 104, 88 Stat. 1237, 42 U.S.C. 5814 and Section 165, 88 Stat. 1238, 42 U.S.C. 5815; Department of Energy Orgnization Act, Section 301, 91 Stat. 577, 42 U.S.C. 7140 and Section 641, 91 Stat. 598, 42 U.S.C. 7251)

Dated at Washington, D.C. this 14, of May 1979.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

In accordance with the foregoing, it is proposed that Part 795 of 10 CFR Chapter III, be revised as set forth below.

PART 795—SAFEGUARDING OF RESTRICTED DATA

General Provisions

Sec.
795.1 Purpose.
795.2 Scope.
795.3 Definitions.
795.4 Communications.
795.5 Submission of procedures by Access Permit holder.
795.6 Specific waivers.
795.7 Interpretation.

Physical Security

795.21 Protection of Restricted Data in storage.
795.22 Protection while in use.
795.23 Establishment of security areas.
795.24 Special kinds of classified material.
795.25 Protective personnel.

Control of Information

795.31 Access to Restricted Data.
795.32 Classification and preparation of documents.

795.33 External transmission of documents and material.
795.34 Accountability for matter comprising Restricted Data.
795.35 Authority to reproduce.
795.36 Changes in classification.
795.37 Destruction of documents or material containing Restricted Data.
795.38 Security of automatic data processing systems.
795.39 Suspension or revocation of access authorization.
795.40 Expiration, suspension or revocation of Access Permit.
795.41 Termination of employment or change of duties.
795.42 Continued applicability of the regulations in this part.
795.43 Reports.
795.44 Inspection.
795.45 Violations.

Authority: The provisions of Part 795 are issued under the Atomic Energy Act of 1954, as amended, section 161.i., 68 Stat. 948, 42 U.S.C. 2201; Energy Reorganization Act of 1974, section 104, 88 Stat. 1237, 42 U.S.C. 5814 and section 165, 88 Stat. 1238, 42 U.S.C. 5815; Department of Energy Organization Act, section 301, 91 Stat. 577, 42 U.S.C. 7140 and section 641, 91 Stat. 598, 42 U.S.C. 7251).

General Provisions

§ 795.1 Purpose.

The regulations in this part establish requirements for the safeguarding of Secret and Confidential Restricted Data received or developed under an Access Permit. This part does not apply to other categories of classified information.

§ 795.2 Scope.

The regulations in this part apply to persons who receive access to Restricted Data or develop Restricted Data under an Access Permit issued in accordance with the regulations in Part 725 of this chapter.

§ 795.3 Definitions.

(a) "Access authorization" means an administrative determination by DOE that an employee of DOE, a DOE contractor or subcontractor, an employee of a contractor or subcontractor of another Federal agency, an Access Permittee, or an employee of an Access Permittee is eligible for access to Restricted Data.

(b) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

(c) "Automatic data processing" means data processing largely performed by an automatic system of electronic or electrical machines including input, processing, and output operations.

(d) "Authorized Derivative Classifier" means an individual who has been designated and authorized by competent Department of Energy (DOE) authority to classify information, work projects, documents, and other materials as Secret or Confidential Restricted Data.

(e) "Data" means all information and material containing Restricted Data, including any such facts or concepts set forth by an ADP system.

(f) "Document" means any piece of recorded information regardless of its physical form or characteristics.

(g) "DOD" means the Department of Defense or its duly authorized representatives.

(h) "DOE" means the Department of Energy or its duly authorized representatives.

(i) "DOE approved" means approved by the responsible DOE safeguards and security office.

(j) "General Counsel" is the principal Attorney of the Department of Energy.

(k) "Guard" means an individual, not necessarily uniformed, who is employed for, and charged with, the protection of classified matter or Government property. Guards shall be armed with non-lethal weapons such as billy-club, "Stum-Gun", or aerosol irritants.

(l) "Information", when automatic data processing is involved, means a representation of facts or concepts producted by an ADP system.

(m) "L(X) access authorization" means a determination by DOE that an individual is eligible for access to Confidential Restricted Data under an Access permit.

(n) "Material" means chemical substances, fabricated items, assemblies, machinery, or equipment.

(o) "Matter" means documents or material.

(p) "NASA" means the National Aeronautics and Space Administration or its duly authorized representatives.

(q) "Permittee" means the holder of an Access Permit issued pursuant to the regulations in part 725 of this chapter.

(r) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than DOE, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, representative, agent or agency of the foregoing.

(s) "Protective personnel" means guards or security inspectors.

(t) "Q(X) access authorization" means a determination by DOE that an individual is eligible for access to Secret and Confidential Restricted Data under an Access Permit.

(u) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

(v) "Security area" means a physically defined space containing classified matter and subject to physical protection and personel access controls.

(w) "Security clearance" means an administrative determination by DOE that an employee of another Federal government (as opposed to state and local) agency is eligible for access to Restricted Data.

(x) "Security container" means any of the following repositories:

(1) *A security filing cabinet*—a metal security container of a type approved by the General Services Administration for the storage of classified matter and marked "General Services Administration Approved Security Container". This container meets the Class 1 standards of Federal Specification AA–F–357, the Class 5 standards of Federal Specification AA–F–358, or the Class 5 standards of Federal Specification AA–F–363.

(2) *A safe*—a metal security container of a type approved by the General Services Administration for the storage of classified matter and marked "General Services Administration Approved Security Container". this container meets the standards of Federal Specification AA–S–1518A.

(3) *A vault*—a penetration-resistant, windowless enclosure which: (i) has walls, floor, and ceiling substantially constructed of materials which afford a forced penetration resistance at least equivalent to that of 8 inch thick reinforced concrete; (ii) has any openings greater than 96 square inches in area and over 6 inches in the smallest dimension protected by imbedded steel bars at least ⅞ inches in diameter on 6 inch centers both horizontally and vertically; (iii) has a built-in combination locked steel door which in existing structures is at least 1" thick exclusive of bolt work and locking devices and which for new structures at least meets the class 5 standards of Federal Specification AA–D–600B.

(4) *A security room*—one having combination-locked door(s) and protected by a DOE-approved intrusion alarm system actuated by any penetration of walls, floor, ceiling or openings, or by motion within the room.

(y) "Security inspector" means a uniformed individual who is authorized under appropriate state or local authority to carry firearms and who is

employed for, and charged with, the protection of classified matter.

(z) "United States" when used in geographical sense, includes all Territories and Possessions of the United States, the Canal Zone and Puerto Rico.

§ 795.4 Communications.

Communications concerning rule making, i.e., petition to change Part 795, should be addressed to the Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, D.C. 20545. All other communications concerning the regulations in this part should be addressed to the Department of Energy at the USDOE Operations Office (listed in Appendix "B" of 10 CFR Part 725) administering access permits for the geographical area.

§ 795.5 Submission of procedures by Access Permit holder.

A Permittee is granted access to Restricted Data only after:

(a) submission to the Department of Energy field office administering the permit of a copy of his procedures for the safeguarding of Restricted Data and for the safeguards and security education of his employees, and

(b) Determination by the Manager of the Field Office or his designee and advice in writing to the Permittee that the procedures for the safeguarding of Restricted Data comply with the regulations in this part and the procedures for the safeguards and security education of employees assure that all employees who will have access to Restricted Data will be informed about and understand the regulations in this part.

§ 795.6 Specific waivers.

DOE may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute and undue risk to the common defense and security.

§ 795.7 Interpretation.

Except as specifically authorized by DOE in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of DOE other than a written interpretation by the General Counsel will be recognized to be binding upon DOE.

Physical Security

§ 795.21 Protection of restricted data in storage.

(a) Persons shall store Secret Restricted Data documents or material received under an Access Permit, while unattended or not in use, by one of the following methods:

(1) When not located within a security area:

(i) In a security container under either DOE-approved alarm protection or protective personnel (security inspector or guard) patrols no less frequent than once each 8-hour shift during non-working hours, or

(ii) In a dual-key bank safe deposit box, provided that the lock and keys to the box are changed immediately prior to such use and the customer's keys are furnished only to persons cleared for and authorized acess to the Restricted Data in the box.

(2) When located within a security area:

(i) In a security container or a commercial-type steel filing cabinet equipped with a built-in combination lock, provided the container or the cabinet is equipped with a DOE-approved alarm system or is under protective personnel patrol no less frequent than once every 8 hours during non-working hours.

(ii) In unlocked cabinets or open storage in a DOE-approved vault or security room.

(b) Confidential Restricted Data documents or material while unattended or not in use shall be stored:

(1) Under any of the methods used for Secret Restricted Data documents or material as set forth in paragraph (a) of this section, or

(2) In unlocked cabinets or open storage in a locked room equipped with a DOE-approved alarm system.

(c) *Changes of combinations.* (1) Combinations of locks of repositories containing Restricted Data shall be known only to those persons cleared for and otherwise authorized access to the category of Restricted Data stored therein.

(2) Each Permittee shall change the combination on the lock of a repository:

(i) Whenever the repository is placed in use;

(ii) Whenever a person knowing the combination no longer requires access to a repository. This may be as a result of a change in duties or location in the permittee's organization or termination of employment with the permittee;

(iii) Whenever the combination may have been subjected to compromise; and

(iv) In any event at least once a year.

(d) The record of the combination of a lock on a repository shall be controlled and afforded the same level of security protection required for the highest classification of the matter authorized to be stored in the repository.

(e) *Selection of combinations.* Each combination must require the use of three different numbers. In selecting combinations, multiples and a simple arithmetical ascending or descending series shall be avoided.

(f) *Cautions regarding combinations.* (1) Only a minimum number of persons should possess combinations to repositories.

(2) Combinations should be committed to memory insofar as practicable to reduce possibility of inadvertent compromise.

(3) When closing a combination lock, the dial must be turned at least four times in the same direction.

(4) Combinations shall be changed only by persons authorized access to Secret or Confidential Restricted Data depending upon the matter authorized to be stored in the repository.

(g) *Posted information.* (1) The names, addresses, and telephone numbers of custodians having knowledge of the combination shall be posted on the outside of each repository containing Restricted Data. A record of the date of last change of combination of each repository shall be maintained on each repository.

(2) A monitor sheet shall be posted on the security container approved for the storage of Restricted Data. In any situation when one monitor sheet includes several security containers located in a particular space or room, it shall be posted in an easily viewed place within, or at the entrance to, the room or space involved. The monitor sheet shall contain space for the date and initials of the persons locking and checking the container to assure it is secured. It shall be initialed at the end of each work day by the person locking the container(s) and except when not feasible, by one other person who has physically checked the lock(s), locked drawer(s), or door(s) and all exposed drawers to assure proper security of the container(s).

(h) *Unattended repository found open.* In the event that an unattended repository containing Restricted Data is found unlocked, one of the custodians shall be notified immediately, the repository shall be secured by a designated person (e.g., a security inspector or guard) and the contents shall be checked not later than the next workday.

(i) *Security Container Checks.* Whenever protective personnel are required by §§795.21 or 795.23, they shall, as soon as possible after the close of each normal work day, and, thereafter, at least once every 24 hours of a nonworking period exceeding one

day, physically check each approved security container to assure it is properly secured.

§ 795.22 Protection while in use.

While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately cleared individual and the Restricted Data shall be protected from visual access by unathorized persons.

§ 795.23 Establishment of security areas.

(a) When, because of their nature, size, revealing characteristics, sensitivity or importance, documents or material containing Restricted Data cannot otherwise be effectively controlled in accordance with the provisions of §§ 795.21 and 795.22, a security area to protect such documents and material shall be established.

(b) The following controls shall apply to security areas:

(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the Restricted Data within the areas, by unauthorized individuals.

(2) During working hours, admittance shall be controlled by designated appropriately cleared security inspectors, guards, receptionists or other persons assigned for that purpose at each unlocked entrance. Remote identification by television, or coded key card system, may be used where positive identification and access control is assured.

(3) During non-working hours, security areas shall be protected by protective personnel conducting patrols at such frequency, not less than once every 8 hours, as the responsible field office manager deems necessary, or by a DOE-approved alarm system.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds thirty.

§ 795.24 Special kinds of classified material.

When the Restricted Data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or similar factors, DOE may authorize the Permittee to provide such lesser protection than is otherwise required by §§ 795.21 to 795.23, inclusive, as DOE determines to be commensurate with the difficulty of removing the material.

§ 795.25 Protective personnel.

Whenever protective personnel are required by §§ 795.21 or 795.23, they shall:

(a) Possess a "Q", "Q(X)", "L" or "L(X)" access authorization if the Restricted Data being protected is classified Confidential.

(b) Possess a "Q" or "Q(X)" access authorization if the Restricted Data being protected is classified Secret.

(c) Be mentally and physically alert, capable of exercising good judgment, and fully instructed in their duties.

(d) Security inspectors should be armed with side arms of not less than .38 caliber.

(e) Security inspectors shall be initially trained, and refresher trained at least annually, in the safe handling and proficient use of the type of handgun with which they are armed while on duty, and to the extent of their legal authority to act in the protection of classified matter. Records of such training shall be maintained during the tenure of the individual.

Control of Information

§ 795.31 Access to restricted data.

(a) Except as DOE may authorize, no person subject to the regulations in this part shall receive or shall permit any individual to have access to Secret or Confidential Restricted Data in his possession, unless the individual has a "Q" or "Q(X)" access authorization, in the case of Secret Restricted Data, "Q", "QX", or "L" or "LX" access authorization in the case of Confidential Restricted Data and:

(1) The individual is authorized by an Access Permit to receive Restriced Data in the categories and at the classification levels involved.

(2) In the case of a DOE or DOE contractor or subcontractor employee, the individual needs access to the Secret or Confidential Restricted Data in connection with his duties.

(b) As an alternative to DOE access authorization, Department of Defense (DOD) and National Aeronautics and Space Administration (NASA) personnel, officers or employees of one of the services, officers or employees of DOD, NASA, or service contractors or subcontractors, or members of the Armed Forces may be granted access if a request set forth in paragraph (c) of this section is received from DOD or NASA. As an exception, DOE access authorization is required for access by NASA personnel to Restricted Data other than that associated with space or aeronautical programs or activities.

(c) Prior to granting access to individuals referenced in paragraph (b) of this section, a Request for Visit or Access Approval (Form DOE-277), NASA Form 405, or a memorandum or teletype containing the same information, signed by an authorized certifying official will be forwarded for approval to the field office manager who will coordinate with other offices as necessary.

(d) Inquires concerning the security clearance or access authorization status of individuals, the scope of Access Permits, or the nature of contracts should be addressed to the field office administering the Access Permit or the contract.

§ 795.32 Classification and preparation of documents.

(a) *Classification.* Restricted Data originated by an Access Permit holder must be appropriately classified. "Guide to the Unclassified fields of Research," and other appropriate guides issued by the U.S. DOE Office of Classification, will be furnished each Permittee. In the event an Access Permit holder originates information within the definition of Restricted Data (§ 795.3(u)) or information which he is not positive is not within that definition and the guide does not provide positive classification guidance for such information, he shall mark and handle the information as Confidential Restricted Data and request classification guidance from DOE through the Classification Officer at the Operations Office administering the Permit, who will refer the request to the Director, Office of Classification, U.S. Department of Energy, Washington, D.C. 20545, if he does not have authority to provide the guidance.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified Secret or Confidential according to its own content.

(c) *Classification markings.* The highest classification marking assigned to any portion of a document shall be placed in letters not less than one-quarter inch in height at the top and bottom of the outside of the front covers, on title pages, if any, the first page, the back page and on the outside of the back cover, if any.

(d) The balance of the pages shall be marked at the top and bottom either with:

(1) the highest classification marking assigned to the document, or

(2) the classification marking required by their individual content, or

(3) the marking UNCLASSIFIED if they have no classified content.

(e) The document shall bear the following additional marking on the first page and on the front cover:

Restricted Data

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to Administrative and Criminal Sanctions.

(f) Where the originator of the document is not an authorized derivative classifier, or is not responsible for the classification, the words "DERIVATIVELY CLASSIFIED BY" shall be typed on the face of the document followed by the name, title of position, and organization employing the authorized derivative classifier. The authorized derivative classifier shall sign when feasible.

(g) *Documentation.*

(1) All Secret Restricted Data documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of —— pages.
Copy No. —— of —— Series ——.

(2) The series designation for finished copy shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same document shall be identified by the succeeding letter of the alphabet. The series designation for draft copies shall be identified in progressive numerical sequence, as "Draft 1", "Draft 2", etc.

(h) *Letter of transmittal.* (1) A transmittal letter containing no Restricted Data or other Classified information should be marked with the following markings:

(i) "Restricted Data transmittal" or "Document transmitted herewith contains Restricted Data",

(ii) With a classification at least as high as its highest classified enclosure, and

(iii) A stamp or marking such as the following:

When separated from enclosures handle this document as unclassified.

(2) A transmittal letter containing Restricted Data should be marked as follows:

(i) "Restricted Data" on its first page.

(ii) A classification at least as high as its highest classified enclosure or the classification of the letter itself, whichever is higher.

(iii) When the contents of the letter of transmittal warrant a lower classification, a stamp or marking such as the following:

"When separated from enclosure handle this document as (*lower classification*).

§ 795.33 External transmission of documents and material.

(a) *Restrictions.* (1) Documents and material containing Restricted Data shall be transmitted only to persons who possess appropriate security clearances or access authorization and are otherwise eligible for access under the requirements of § 795.31.

(2) In addition, such documents and material shall be transmitted only to persons who possess DOE-approved facilities for their physical security consistent with this part. Any person subject to the regulations in this part who transmits such documents or material shall have fulfilled his obligations under this subparagraph by securing a written certification from the responsible DOE safeguards and security office that the prospective recipient possesses DOE-approved facilities for physical security thereof consistent with this Part.

(3) Documents and material containing Restricted Data shall not be exported from the United States without prior authorization of DOE.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape. The appropriate classification and the Restricted Data marking referred to in § 795.32(e) shall be placed on both sides of the inner envelope.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking or other notation shall be affixed which indicates that the document enclosed therein contains classified information or Restricted Data.

(4) A receipt, which identifies the document, the date of transfer, the recipient and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a Secret document is transferred.

(c) *Preparation of material.* Material, other than documents, containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt which identifies the material, the date of shipment, the recipient, and the person transferring the material shall accompany the material and the recipient shall sign such receipt and return it to the sender whenever the custody of Secret Restricted Data is transferred.

(d) *Methods of transportation.* (1) Documents and material containing Secret Restricted Data shall be transported only by one of the following methods:

(i) U.S. registered mail.

(ii) Individuals possessing appropriate DOE security clearance or access authorization who have been given written authority by their employers, in cases of operational necessity when U.S. registered mail or classified messenger service is not available or sufficiently timely. The office of departure shall keep a record of the classified matter so transported until the matter has been returned or a classified matter receipt has been received from a consignee.

(iii) Aircraft under DOE contract with pilots holding "Q" access authorization, or U.S. Government aircraft with pilots holding DOE "Q" access authorization or DOD final type Secret clearance, and who maintain continuous custody of the matter entrusted to them.

(iv) Motor vehicles in sealed van service.

(v) Common carrier (rail, truck, or air) approved by the responsible field office manager and meeting the requirements of paragraph (d)(3)(xi) of this section.

(2) Documents and material containing confidential Restricted Data shall be transported by one of the methods set forth in paragraph (d)(1) of this section or by one of the following methods:

(i) U.S. first class or certified mail, if approved by the Field Office Manager administering the permit. Certified or first class mail may not be used in any transmission of Confidential documents to Alaska, Hawaii, the Canal Zone, Puerto Rico, or any United States territory or possession.

(ii) Aircraft under DOE contract, or U.S. Government aircraft, with pilots holding DOE "L" access authorization or DOD final type Secret clearance.

(iii) Common carrier service (rail, truck, or air) as approved by the field office manager and meeting the requirements of subparagraph (3)(xi) below.

(3) Approved means of shipment for Restricted Data are subject to the

following additional general conditions as appropriate:

(i) Contents shall be securely packaged, and as required containers shall meet appropriate Department of Transportation regulations as to structural strength and materials.

(ii) Contents shall be so packaged that attempted openings or unauthorized inspection will be readily detected en route or upon arrival at destination.

(iii) Contents shall be checked against shipping papers as promptly as practicable after arrival and any unresolved discrepancy shall be reported immediately to the responsible DOE safeguards and security office.

(iv) Additionally, any suspected criminal violations of federal laws or loss of Secret or confidential material outside a security area or loss within a security area if there is no immediate explanation to account for the loss shall be reported to the responsible DOE security office and the Federal Bureau of Investigation.

(v) The classification of the contents shall be indicated inside the package or container to preclude errors in handling and storage after delivery.

(vi) Seals shall be used whenever practicable and shall be placed on cars or van doors, containers, or other positive fastening devices by, or in the presence of a DOE, DOE contractor representative or security cleared permittee employee. Seals shall be serially numbered or distinctively designed and appropriate entry shall be made in bills of lading or other shipping papers. Seal numbers shall be verified by the consignee upon arrival.

(vii) Combination or key padlocks shall be used whenever practicable on shipping containers in addition to seals.

(viii) Receipts, listings, and other papers revealing classified information shall be appropriately marked and wrapped.

(ix) shipping or transfer documents which could reveal classified weights or quantities of material shall be appropriately marked.

(x) Notification of Secret or Confidential Restricted Data shipments, other than packages sent by mail, shall be transmitted prior to departure either to the consignee or to the DOE office exercising administrative jurisdiction over the consignee, with sufficient information to enable proper handling at destination.

(xi) Common carriers shall provide all of the following security procedures:

(A) Surveillance by an authorized carrier employee when the material is outside of the vehicle.

(B) A hand-to-hand signature receipt system which traces the movement of the classified matter from the time it is shipped until the time it is received.

(C) When storage is required, Restricted Data must be stored in an alarmed or guarded storage area with immediate response by a carrier employee, commercial guard, or police.

(D) Verification of the identity and authorization of persons who pick up material.

(E) Pick-up and delivery in a closed, locked van.

(e) Electrical Transmission of Information. Restricted Data shall not be transmitted electrically unless a system approved by DOE is used.

(f) Telephone Conversations. No discussion of classified information is permitted during a telephone conversation except over secure telephone systems approved by DOE.

§ 795.34 Accountability for matter comprising restricted data.

Each Permittee possessing matter containing Secret Restricted Data shall establish an accountability procedure and shall maintain for a period of 5 years records to clearly show the identification and disposition of all such matter which has been in his custody at any time.

§ 795.35 Authority to reproduce.

Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by the Access Permittee by whom he is employed. He shall not reproduce any external generated documents containing Secret Restricted Data without prior authorization from DOE or from the originator of the document.

§ 795.36 Changes in classification.

(a) Documents containing Restricted Data shall not be downgraded to a lower classification or declassified except as authorized by DOE. Requests for downgrading or declassification shall be submitted to the DOE Operations Office administering the Permit, or U.S. Department of Energy, Washington, D.C. 20545, Attention: Office of Classification. If the Department approves a change of classification or declassification, the previous classification marking shall be canceled and the following statement, properly completed, shall be placed on the first page of the document.

Classification canceled (or changed to)——————(Insert appropriate classification) by authority of——————(Person authorizing change in classification) by——————(Signature of person making change and date thereof).

(b) Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 795.37 Destruction of documents or material containing restricted data.

(a) Documents containing Restricted Data may be destroyed only by shredding and burning, pulping, or by any other method that assures complete destruction of the information which they contain. If the document contains Secret Restricted Data, a record of the subject, title and report number of the document, if any, its date of preparation, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the last custodian for a period of 5 years after the date of destruction.

(b) Restricted Data contained in material, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the Restricted Data. A record of destruction of Secret material destroyed shall be maintained for 5 years after the date of destruction of the material.

§ 795.38 Security of automatic data processing systems.

Restricted Data shall not be processed or produced on an ADP system unless the system has been approved by DOE.

§ 795.39 Suspension or revocation of access authorization.

In any case where the access authorization of an individual subject to the regulations in this part is suspended or revoked in accordance with the procedures set forth in Part 710 of this chapter, such individual shall, upon due notice from DOE of such suspension or revocation and demand by DOE deliver to DOE any and all documents or material in his possession containing Restricted Data for safekeeping and such further disposition as DOE determines to be just and proper.

§ 795.40 Expiration, suspension or revocation of access permit.

(a) Upon expiration of an Access Permit, the person to whom such Permit has been issued may, except as provided in paragraph (b) of this section shall:

(1) deliver all documents or material in his possession containing Restricted

Data to DOE or to a person authorized to receive them and file with DOE a certificate of non-possession of Restricted Data; or

(2) destroy them, and file with DOE a certificate of nonpossession, or

(3) file with DOE a certified inventory of Restricted Data attached to a request for approval of retention of such data. A person retaining Restricted Data must maintain an active Access Permit unless otherwise authorized by DOE.

(b) In any case where an Access Permit has expired or has been suspended or revoked and DOE has determined that further possession by the former Access Permit holder of documents or materials containing Restricted Data would endanger the common defense and security, such former Access Permit holder shall-upon due notice from DOE of such expiration, suspension, or revocation and of such determination, deliver to DOE any and all documents and material in his possession containing Restricted Data for safekeeping and such further disposition as DOE determines to be just and proper.

§ 795.41 Termination of employment or change of duties.

Each Permittee shall furnish promptly to DOE written notification of the termination of employment of each individual who possesses an access authorization under his Permit or whose duties are changed so that access to Restricted Data is no longer needed. Upon such notification, DOE may:

(a) terminate the individual's access authorization, or

(b) transfer the individual's access authorization to the new employer of the individual to allow continued access to Restricted Data where authorized pursuant to DOE regulations.

§ 795.42 Continued applicability of the regulations in this part.

The expiration, suspension, revocation or other termination of security clearance or access authorization or Access Permit shall not relieve any person from compliance with the regulations in this part.

§ 795.43 Reports.

Each Permittee shall report promptly to the DOE office administering the Access Permit:

(a) All losses of Restricted Data documents or material.

(b) Statutory violations, i.e., any alleged or suspected violation of the Atomic Energy Act or the Espionage Act. An immediate report shall also be made to the nearest office of the Federal Bureau of Investigation.

(c) Proposed foreign travel to Soviet-bloc countries, at least 30 days in advance of proposed travel by any of their employees, who has had access to C–24 information, and inform the same office when the employee returns.

§ 795.44 Inspection.

DOE may make such inspection of the premises, activities, records, and procedures of any person subject to the regulations in this part as DOE deems necessary to effectuate the purposes of the Act.

§ 795.45 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates, attempts to violate or conspires to violate any provision of the Act or any regulation or order issued thereunder, including the provisions of this part, may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

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Federal Register

Monday
June 11, 1979

Part V

Department of the Interior

Office of Surface Mining, Reclamation and Enforcement, and Geological Survey

Regulation of Coal Mining on Federal Lands in Montana, Utah, and Wyoming; Federal/State Cooperative Agreement

DEPARTMENT OF INTERIOR

Office of Surface Mining, Reclamation and Enforcement, and Geological Survey

30 CFR Part 211

Regulation of Coal Mining on Federal Lands in Montana; Federal/State Cooperative Agreement

AGENCY: Office of Surface Mining Reclamation and Enforcement and Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This final rule completes the approval and promulgation of a Federal/State cooperative agreement between the Department of Interior and the State of Montana for the regulation of surface coal mining and reclamation operations on Federal lands in Montana.

EFFECTIVE DATE: June 11, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Crane, Regional Director, Region V, Office of Surface Mining, 1823 Stout Street, Denver, Colorado 80202, (303) 837-5421.

SUPPLEMENTARY INFORMATION: The cooperative agreement modifies the prior cooperative agreement (30 CFR 211.77(e)) in accordance with the requirements of section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87), "Surface Mining Act," and § 211.75 (b) and (c) of Title 30 CFR. This cooperative agreement was published as a proposed rule on March 5, 1979 (44 FR 12058). The purpose of the agreement is to establish conditions for State regulation of surface coal mining and reclamation operations on Federal lands, and requirements for such operations on Federal lands, including but not limited to (1) the adoption of State statutes and amended regulations containing new environmental protection standards and reclamation requirements applicable to surface coal mining and reclamation operations as substantive Federal law enforceable by the State and the United States; (2) a requirement that the State Regulatory Authority exercise State enforcement powers on Federal lands so as to achieve results consistent with those which would be achieved by Federal enforcement pursuant to section 521 of the Surface Mining Act; (3) establishing procedures for the cooperative review and approval of integrated mining and reclamation plans for surface coal mining and reclamation operations on Federal lands or which include both State-regulated lands and Federal lands; (4) provide for the termination of such agreement; and (5) requirements for the joint Federal and State approval and release of performance bonds for surface coal mining and reclamation operations which include Federal lands.

In response to the proposed rulemaking, one comment was received. The comment raised three issues.

1. The commenter objects to the provision of Article VII which requires that performance bonds for operations which include Federal lands be payable to both the State and the United States. The objection is grounded on a fear that if both agencies forfeit on the bond, the surety would be subject to double liability. It is not the intent of the State or the Secretary to create double liability. Our intent rather is to relieve the operator of the burden of filing separate bonds with both the State and the United States while assuring that each agency retains the legal authority to forfeit on the bond. This procedure allows the Secretary adequate authority to insure the completion of reclamation obligations on Federal lands or adjacent lands which might adversely affect reclamation on Federal lands and preserves the State's authority to ensure reclamation as required under State law. Double liability is not created by the terms of the cooperative agreement. If necessary, clarification regarding this question can be achieved in the bond instrument.

2. The second objection requests clarification of what will happen if the agencies do not mutually consent to the release of a performance bond. The answer is no different than if there were a single obligee and release were denied. Whatever remedy which would be available to the operator to seek or compel release by an agency which refused release, would also be available against that same agency if it were the sole party refusing to allow release of the bond under the cooperative agreement.

3. The final objection requests that differences of opinion between the State and the Secretary regarding the requirements of a mining plan being reviewed under the Protocol, be communicated to the operator/applicant. The Secretary rejects this request as being an unnecessary restriction on his discretion in such circumstances. Communciations regarding mining plans and permits under review will be made as determined appropriate by the agencies.

Other Information

1. Significance. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The "Determination of Significance" document prepared by the Office of Surface Mining concludes that because a State/Federal cooperative agreement between the State of Montana and the Department has been in effect for quite some time, the modified agreement in question does not incorporate any changes or revisions which would impose a major social, economic, or reordkeeping burden on any level of Federal, State, or local government or upon industry. This document is available for public inspection in the Director's Office, Office of Surface Mining, Room 233, South Interior Building, 1951 Constitution Ave., NW., Washington, D.C. 20240.

2. Pursuant to section 702(d) of the Surface Mining Act, adoption of this rule is part of the Secretary's implementation of the Federal Lands Program and is, therefore, exempt from the requirement to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

3. Because of the delay in the publication of this rule and the necessity to implement the provisions of the cooperative agreement, the Department has determined that good cause exists to make the rule effective upon the date of publication.

Dated: June 6, 1979.

Cecil D. Andrus,

Secretary.

1. Accordingly, Title 30 CFR 211.10(e)(5) is amended as follows:

§ 211.10 Exploration and mining plans.

* * * * *

(e) * * *

(5) *Montana.* A Federal coal lessee in the State of Montana who must submit a mining plan under both State and Federal law shall submit to both the State Regulatory Authority and the Denver Regional Office, Office of Surface Mining, in lieu of the submission required in this section, a mining plan or revision or modification to an approved plan containing the information required by or necessary for the State Regulatory Authority and the Secretary to determine compliance with the statutory, regulatory and other requirements identified in paragraph B1 of Article IV of the modified Cooperative Agreement, the statement required by paragraph B2 of Article IV of the modified Cooperative Agreement

and the requirements of 30 CFR 211.10(c).

§ 211.76-1 [Deleted]

2. Title 30 CFR 211.76-1 is deleted in its entirety.

3. Title 30 CFR 211.77(e) is amended as follows:

§ 211.77 States with cooperative agreements.

* * * * *

(e) *Montana.* The administration and enforcement of reclamation requirements of Federal coal leases in Montana, subject to this Part, shall be done according to the cooperative agreement between the State of Montana and the Department which became effective June 10, 1977, as modified on October 18, 1978 and published on June 11, 1979.

4. The State of Montana and the Department enter into a modified Cooperative Agreement to designate the State of Montana as the principal party to administer surface coal mine reclamation operations on Federal leases in Montana to read as follows:

Cooperative Agreement Between the U.S. Department of the Interior and the State of Montana under section 523(c) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (hereinafter referred to as the "Act") 30 U.S.C. 1273(c), between the State of Montana, acting by and through Thomas L. Judge, Governor (hereinafter referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

Article I. Purpose

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of Montana with respect to regulation of surface coal mining and reclamation operations on Federal lands within the State of Montana. The basic purpose of this Agreement is to reduce duality of administration and enforcement of surface reclamation requirements by providing for state review and approval of mining and reclamation plans for operations on federal lands, subject to the Secretary's authority to approve mine and reclamation plans on federal lands and state regulation of surface coal mining and reclamation operations on Federal lands within the State.

Article II. Effective Date

This Cooperative Agreement is effective following signing by the Secretary and the Governor, approval by the Montana Department of State Lands, and upon final publication as rulemaking in the Federal Register. This Cooperative Agreement shall remain in effect until terminated as provided in Article IX. This Cooperative Agreement constitutes a modification to, and extension of, and supercedes that Cooperative Agreement effective June 10, 1977, 30 CFR § 211.77(e).

Article III. Requirements for Cooperative Agreement

The Governor and the Secretary affirm that they will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Montana Department of State Lands (hereinafter referred to as the "State Regulatory Authority") is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor on Federal lands throughout the State.

B. *Authority of State Agency.* The State Regulatory Authority designated in paragraph A of this Article has, and shall continue to have, authority under State law to carry out this Cooperative Agreement.

C. *State Reclamation Law.* Enforcement of the environmental performance standards and reclamation requirements of the Montana Strip and Underground Mine Reclamation Act and the regulations promulgated pursuant thereto as set forth in Appendix A of this Cooperative Agreement will provide protection of the environment at least as stringent as would occur under the exclusive application of the standards and procedures set forth in the Act, and the regulations promulgated thereunder.

D. *Effectiveness of State Procedures.* The procedures of the State for enforcing the requirements contained in Appendix A are and shall continue to be as effective as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State will inspect all surface coal mining operations on Federal lands located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the requirements contained in Appendix A in a manner that ensures effective protection of the environment and public health and safety consistent with the requirements of Article VI of this Agreement.

G. *Funds.* The State has devoted and will continue to devote, adequate funds to the administration and enforcement of the requirements contained in Appendix A of this Cooperative Agreement. If the State Regulatory Authority complies with the terms of this Agreement, and if necessary funds have been appropriated, the Secretary shall reimburse the State as provided in Section 705(c) of the Act, for costs associated with carrying out responsibilities under this Cooperative Agreement. Reimbursement grants shall be made at least on an annual basis. The Secretary shall advise the State Regulatory Authority within a reasonable period of time after the effective date of this modification of the amount the Federal Government would have expended if the State had not entered into this Cooperative Agreement.

H. *Reports and Records.* The State Regulatory Authority shall make reports to the Secretary containing information respecting its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Regulatory Authority and the Secretary shall exchange, upon request, information developed under the Cooperative Agreement.

I. *Personnel.* The State Regulatory Authority shall have the necessary personnel to fully implement this Cooperative Agreement in accordance with the provisions of the Act.

J. *Equipment and Laboratories.* The State Regulatory Authority shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement, or have access to such facilities and personnel.

Article IV. Mining and Reclamation Plans

A. State and Federal laws and regulations require the operator on Federal lands leased, permitted, or licensed for surface coal mining operations to receive approval from the State Regulatory Authority and the Secretary of a mining plan and permit prior to conducting operations.

B. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree, and hereby require that an operator on Federal lands shall submit an identical mining and reclamation plan and state permit application to the state and the Secretary which plan and permit application shall be in the form required by the State Regulatory Authority and include any supplemental forms

required by the Secretary. Such plan and application shall include the following information:

1. The information required by, or necessary for the State Regulatory Authority and the Secretary to make a determination of compliance with:

a. The Revised Code of Montana 50–1039 R.C.M. 1977.

b. Administrative Rules of Montana 26–2.10(10)–S10310.

c. The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. § 1201 *et seq.*; 91 Stat. 445) and the regulations promulgated pursuant thereto, to the extent it is not otherwise required by 1(a) and (b) above.

d. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 181 *et seq.*

e. The requirements of 30 CFR Section 211.10.

f. Applicable terms and conditions of the lease unless such conditions would be contrary to the requirements of the Act.

g. Applicable requirements of other Federal laws.

2. A statement certifying that identical copies of the mining and reclamation plan and permit application have been given to both the State Regulatory Authority and the Secretary.

C. The State Regulatory Authority and the Office of Surface Mining on behalf of the Secretary shall review and act upon each mining and reclamation plan and permit application, or modifications or revisions thereto, in accordance with the Protocol for Cooperative Review of Mining and Reclamation Plans, attached hereto and incorporated as a part of this Cooperative Agreement. The parties may review and mutually revise said Protocol as deemed necessary in accordance with the terms of the Protocol, Article XI of this Agreement to the contrary notwithstanding. Any revisions to the Protocol shall become effective upon notice published in the Federal Register.

D. When acting upon mining and reclamation plans and permits, or modifications or revisions thereto, the State Regulatory Authority and the Secretary agree that lack of them will not approve any plan and permit, or modification or revision thereto, which fails to comply with the requirements of the laws and regulations listed in paragraph 1 of this Article. The State Regulatory Authority shall promptly notify the Secretary of such action and the applicant of its action on the application. If the application is disapproved, a notice shall be sent to the applicant along with a statement of findings and conclusions in support of the action. The State Regulatory Authority shall in any approved plan, permit, or amendment, reserve the right to amend or rescind its action to conform with action taken or with terms or conditions imposed by the Secretary, and agreed to by the State Regulatory Authority, as a basis of his approval. The Secretary shall not delete any requirements included in the State Regulatory Authority's approval without the consent of the State. Prior to the Secretary disapproving the mining and reclamation plan, permit or request for amendment, in whole or in part, the Secretary shall consult with the State Regulatory Authority for the purpose of reaching agreement on revisions to the plan, permit, or amendment, to the extent allowable under State and Federal law.

E. When acting on a mine plan, the Secretary reserves the right to impose such additional conditions or requirements not required by the Act or Appendix A of this Cooperative Agreement which are authorized or required by law or by his general authority to supervise the activities of persons on Federal lands.

Article V. Inspections

A. The State Regulatory Authority shall inspect without prior notice to the operator, as authorized by Montana state law as frequently as necessary, but at least quarterly, the area of operations as defined by the approved mining and reclamation plan, the permit area of the applicable state permit, and any other areas outside the area of operations which are or may be affected by the surface coal mining and reclamation operations on Federal lands. Such inspections shall be conducted for the purpose of determining whether the operator has complied with all applicable requirements of the Act and Appendix A hereof, and all environmental and reclamation requirements of appoved mining and reclamation plans or permits, but not to determine compliance with development or diligent production requirements established under the Mineral Leasing Act, as amended, or to regulate other activities on Federal lands not subject to the Act.

B. The State Regulatory Authority will, subsequent to conducting any inspection, prepare a report adequately describing (1) the general conditions of the lands under lease, permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable performance and reclamation requirements. A copy of this inspection report shall be furnished to the Secretary in accordance with regulations adopted pursuant to the Surface Mining Control and Reclamation Act. A copy of this report shall be furnished to the operator, upon request, and shall be made available for public inspection during normal business hours at the offices of the State Regulatory Authority and the Office of Surface Mining.

C. For the purpose of evaluating the manner in which this Cooperative Agreement is being carried out and to insure that performance and reclamation standards are being met, the Secretary may conduct inspections of surface coal mining and reclamation operations on Federal lands, and shall provide the State Regulatory Authority with a copy of the report. Inspections by the Secretary may be made in association with regular inspections by the State.

D. The Secretary may also conduct inspections to determine whether the operator is complying with requirements that are unrelated to environmental protection and reclamation.

E. Personnel of the State and representatives of the Secretary shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VI. Enforcement

A. If the State Regulatory Authority finds any conditions or practices, or violations of the Act, the requirements of Appendix A hereof, or of an approved mining and reclamation plan or permit, which would authorize the issuance of an order of cessation under § 521(a)(2) of the Act, the State Regulatory Authority shall immediately exercise the discretion authorized by 50–1050 R.C.M. 1947 of the Revised Code of Montana to suspend the license of an operator.

B. (1) When, during any inspection, any representative of the State Regulatory Authority determines that any operator is in violation of the Act, any requirement of Appendix A, or any requirement of an approved mining and reclamation plan or permit, but such violation would not require an action in accordance with paragraph A of this Article, the representative shall issue a notice and abatement schedule to the operator pursuant to 50–1050 R.C.M. 1947 of the Revised Code of Montana which shall be consistent with the requirements of § 521(a)(3) of the Act.

(2) When a notice of violation has been issued under B(1) of this Article and a representative of the State Regulatory Authority determines that the operator has failed to abate the violation within the time fixed or

subsequently extended consistent with § 521(a)(3) of the Act, the representative shall immediately exercise the discretion authorized by 50–1050 R.C.M. 1947 of the Revised Code of Montana to suspend the permit of an operator until the violation has been abated.

C. The State shall promptly notify the Secretary of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

D. This Agreement does not limit the Secretary's authority to seek cancellation of a federal coal lease under federal laws and regulations, or prevent the Secretary from taking appropriate legal or other actions to correct conditions or practices that violate any requirement under federal law or Appendix A incorporated into federal law as a part of this Cooperative Agreement, or to suspend or revoke the right to mine in accordance with 30 CFR § 211.72 or assess civil penalties in accordance with 30 CFR § 211.78.

E. Failure of the State Regulatory Authority to enforce approved mining and reclamation plans, permits and applicable laws and standards and regulations in accordance with this Agreement, shall be grounds for termination of this Cooperative Agreement.

Article VII. Bonds

A. *Amount and Responsibility.* The State Regulatory Authority and the Secretary shall require all operators on federal lands to submit a single bond payable to both the United States and the State Regulatory Authority. Such bond shall be of sufficient amount to comply with the requirements of both state and federal law and shall be conditional upon compliance with all applicable requirements of federal law and Appendix A hereof.

B. *Notification.* Prior to releasing the operator from his obligations under the bond required by State law for federal lands, the State Regulatory Authority shall consult with and obtain the advice and consent of the Secretary.

C. *Release of Bond.* The State Regulatory Authority shall hold the operator responsible and liable for successful reclamation as required by State law.

D. Either the State Regulatory Authority or the Secretary may forfeit the bond under state or federal law.

Article VIII. Opportunity To Comply With Cooperative Agreement

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. The period of time specified shall not be less than 30 days. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

Article IX. Termination of Cooperative Agreement

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 90 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary pursuant to paragraphs D, E, and F of this Article whenever the Secretary finds, after giving due notice to the State Regulatory Authority and affording the State Regulatory Authority an opportunity for a hearing:

1. That the State Regulatory Authority has failed to comply substantially with a provision of this Cooperative Agreement; or

2. That the State Regulatory Authority has failed to comply with any assurance given by the State upon which this Cooperative Agreement is based, or any condition or requirement which is specified in Article III.

3. Following promulgation of a federal lands program pursuant to Section 523(a) of the Act in the event the Secretary determines in writing that Montana lacks the necessary personnel, legal authority, or funding to fully implement the federal lands program in accordance witha the provisions of the Act.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law under any of the following circumstances:

1. When no longer authorized by Federal laws and regulations or Montana laws and regulations;

2. When a permanent State program is finally disapproved and the State has failed to remedy the deficiencies within the time allowed by Section 503(c) of the Act.

3. Within 120 days of the approval of a permanent State program pursuant to § 503 of the Act.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Regulatory Authority specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate this Cooperative Agreement.

3. The Secretary shall also publish a notice in the Federal Register containing items 1 and 2 of this paragraph, and specifying a minimum 30 days for comment by interested persons.

E. *Opportunity for Hearing.* Whenever the Secretary proposes to terminate this Cooperative Agreement pursuant to paragraph B hereof, in addition to the notice required by paragraph D, he shall:

1. Specify in the notices required by paragraph D the date and place where the State will be afforded an opportunity for hearing and to show cause why this Cooperative Agreement should not be terminated by the Secretary. The date of such hearing shall be not less than 30 days from the date of the publication in the Federal Register, and the place shall be in the State.

2. Within thirty (30) days of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within thirty (30) days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the

Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

3. The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.*

1. After a hearing has been held with respect to a proposed termination of this Agreement under paragraph B of this Article, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of this Cooperative Agreement, he shall notify the State Regulatory Authority of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of this Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

2. After the close of the comment period required by paragraph D. 3. of this Article with respect to a proposal to terminate this Cooperative Agreement, pursuant to paragraph C of this Article, the Secretary shall consider the comments received and after a review of the questions of law presented, shall publish notice of final action, either terminating the Cooperative Agreement or withdrawing the proposed termination, and stating the reasons therefor.

G. Nothing in this Article shall be construed as a waiver of any right the State Regulatory Authority may have to seek judicial review of any decision by the Secretary to terminate this Cooperative Agreement.

Article X. Reinstatement of Cooperative Agreement

If this Cooperative Agreement has been terminated, it may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement, and has remedied all defects in administration for which this Cooperative Agreement was terminated.

Article XI. Amendments of Cooperative Agreement

This Cooperative Agreement may be amended by mutual agreement of the Governor and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

Article XII. Changes in State or Federal Standards

The Secretary of the Interior and/or the State Regulatory Authority may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. If changes which are necessary for the State to have authority to administer and enforce Federal requirements are not made, then the termination provision of Article IX, paragraph C, may be invoked, provided, however, that the State shall be given reasonable and necessary time to make the required changes.

Article XIII. Conflict of Interest

The State Regulatory Authority shall require its employees to comply with the requirements of 30 CFR 705.

Article XIV. Exchange of Information

A. *Organizational and Functional Statement.* The State Regulatory Authority and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Regulatory Authority and the Secretary shall advise each other in writing of the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and of any changes in such.

B. *Laws, Rules and Regulations.* The State Regulatory Authority and the Secretary shall provide each other with copies of their respective laws, rules and regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations and standards when the revision becomes effective.

Article XV. Reservation of Rights

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Federal Land Policy and Management Act of 1976, the Surface Mining Control and Reclamation Act of 1977, the Constitution of the United States, the Constitution of the State or State laws, nor shall this Agreement be construed so as to result in the transfer of the Secretary's duties under sections 2(a), 2(b), and 2(a)(3) of the Federal Mineral Leasing Act, as amended, or his duty to approve mine plans, or his responsibilities with respect to the designation of Federal lands as unsuitable for mining in accordance with Section 522 of the Act, or to regulate other activities taking place on Federal lands.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Part 700 or Part 710 shall be given the meanings set forth in said definitions.

Thomas L. Judge,
Governor of Montana.
Leo Berry,
Commissioner, Department of State Lands.
Cecil D. Andrus,
Secretary of the Interior.

Protocol for Cooperative Review of Mining and Reclamation Plans for Surface Coal Mining and Reclamation Operations on Federal Lands

I. Purpose

This Protocol is intended by the Montana Department of State Lands (hereinafter the "State Regulatory Authority") and the Secretary to establish procedures governing the conduct of the respective Interior agencies and the State Regulatory Authority regarding the coordinated review of mining and reclamation plans, or modifications or revisions thereto for surface coal mining and reclamation operations on federal lands pursuant to the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87 (hereinafter referred to as the "Act"). These procedures are intended to implement the requirements of Article IV of the State/Federal Cooperative Agreement (hereinafter referred to as "Cooperative Agreement") between the Governor and the Secretary dated , 1978, and are incorporated therein and made a part thereof.

II. Procedures

1. Operators shall be required to submit identical copies of mining and reclamation plans and permit applications, or modifications or revisions thereto, to both the State Regulatory Authority and the Regional Director, Denver Region, Office of Surface Mining. The number of copies submitted to the State Regulatory Authority and the Regional Director shall be specified by regulation by each agency and may be changed according to need.

2. The State Regulatory Authority will be the point of contact for operators regarding matters subject to the requirements of the Act and Appendix A of the Cooperative Agreement. Following the initial submission of the mining plan and permit application, all correspondence from the State Regulatory Authority and the Secretary regarding matters subject to the requirements of the Act and Appendix A of the Cooperative Agreement will be coordinated and sent from the State Regulatory Authority on behalf of both. Interior agencies will not independently initiate contacts with operators regarding the completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of a State Regulatory Authority under the Act, provided that any matters of concern raised on behalf of the Secretary are adequately addressed by the State Regulatory Authority in accordance with the provisions of this Protocol.

3. The Office of Surface Mining will coordinate all activities including coal conservation and postmining land use, relative to the review of mining plans and permit applications for all concerned Interior agencies and will act as the point of contact for communications between the State Regulatory Authority and the Department of the Interior.

4. Review and evaluation of each mining plan and permit application, or modifications or revisions thereto, and the data or documentation submitted in support thereof, will be conducted independently, but concurrently, by the State Regulatory Authority and the respective Interior agencies having responsibility for review of mine plans. During such review and evaluation, the staffs of the State Regulatory Authority and each Interior agency will coordinate their respective activities through the Office of Surface Mining by informal contacts as appropriate. When detailed review is deemed to be necessary, Interior agencies may conduct a detailed review of all aspects of the plan and application, or modifications or revisions thereof, but as the program develops, Interior's review will be concentrated on major functions such as hydrology and revegetation, or where special attention is deemed to be necessary.

5. Based upon the coordinated review, the State Regulatory Authority will draft a response letter to the operator outlining the status of the completeness and deficiencies of the plan and application with respect to the requirements of the Act and Appendix A to the Cooperative Agreement. Such draft letter will be sent to the Denver regional office, Office of Surface Mining. It will be the goal of the State Regulatory Authority to send such letter within 60 days of receipt of the plan and application. The Office of Surface Mining will coordinate review of the draft letter on behalf of Interior agencies. It will be the goal of the Office of Surface Mining to communicate to the State Regulatory Authority within 20 days any proposed additions or modifications to the letter. If any such proposed, additions or modifications are objected to by the State Regulatory Authority, a meeting will be held between the Regional Director, Office of Surface Mining, and the State Regulatory Authority to resolve the specified objections. If the Regional Director and the State Regulatory Authority cannot resolve such objections, the State Regulatory Authority and the Regional Director shall summarize their disagreement in writing and request a meeting with the Director, Office of Surface Mining, and such other representative of the Secretary as may be appropriate, to discuss a resolution of such objections. Following the resolution of such objections or in the absence of any such objections, the draft letter will be revised to incorporate the language proposed by the Office of Surface Mining and sent to the operator by the State Regulatory Authority, with a copy to the Regional Director, Office of Surface Mining.

6. The Secretary may at his discretion incorporate into the draft letter any matters related to mining plan review and approval which are not within the jurisdiction of the State Regulatory Authority and which the Secretary is required to address under any federal statute or regulation other than the Act. The State Regulatory Authority agrees to incorporate such matters into the draft at the Secretary's request. Failure to incorporate such matters into the draft letter shall not deprive the Secretary of the right to contact an operator directly regarding such matters. Whenever written communications regarding such matters are made directly between an Interior agency and an operator, the State Regulatory Authority shall be supplied with a copy.

7. The Secretary, acting by and through the Office of Surface Mining, will be given an opportunity to review and propose additions or modifications to all substantive written correspondence regarding an operator's mining and reclamation plan from the State Regulatory Authority in accordance with paragraph 5 hereof.

8. Copies of all written communciations, data, documents, or other information pertinent to a mining permit or permit application will be forwarded to the Office of Surface Mining by the State Regulatory Authority or sent directly to the Office of Surface Mining by the operator when requested to do so by the State Regulatory Authority.

9. The Secretary and the State Regulatory Authority agree to inform each other of any communciations received from the operator regarding any matter subject to this Protocol.

10. Either the Secretary or the State Regulatory Authority may request and schedule meetings with the Operator or

site inspections. No meeting with the operator or site inspection will be scheduled by either the Secretary or the State Regulatory Authority without adequate advance notice.

11. Upon receipt of a mining and reclamation plan and permit application, or major modification or revision thereto, the State Regulatory Authority and the Office of Surface Mining will, when appropriate, cooperate so that one Environmental Assessment and Environmental Review will be produced. When an Environmental Impact Statement is necessary, the State Regulatory Authority and the Office of Surface Mining will designate, when appropriate, one Environmental Impact Statement team to produce an EIS which will comply with the National Environmental Policy Act and the Montana Environmental Policy Act.

12. Upon completion of review and evaluation of the plan and application, or modifications or revisions thereto, by the State Regulatory Authority, the State Regulatory Authority shall notify the Regional Director, Office of Surface Mining, of any proposed action to be taken regarding approval or disapproval, including any proposed special conditions or stipulations. Following notification of the Regional Director of the proposed action, the Regional Director will inform the State Regulatory Authority of concurrence or disagreement with the proposed action. If the Regional Director and the State Regulatory Authority cannot agree upon the proposed action, the State Regulatory Authority and the Regional Director shall summarize their disagreement in writing and request a meeting with the Director, Office of Surface Mining, and such other representative of the Secretary as may be appropriate, to discuss what final action may be appropriate under the circumstances of the case. The parties shall make reasonable efforts to resolve the differences and to reach a mutually agreeable decision on the proposed action.

III. Interpretation

(a) This Protocol shall be construed so as to give effect to the intent of the parties as set out in the Cooperative Agreement of which this is a part. Any words or phrases used in this protocol shall be defined in accordance with Article XVI of said Agreement.

(b) If any question of legal interpretation is raised by either party with respect to any matter subject to this Protocol, both the State Regulatory Authority and the Secretary shall defer to the opinion of the State Attorney General where interpretations of State law or regulations are involved, and to opinions of the solicitor of the Department of Interior where interpretations of Federal law or regulations are involved. This provision shall not be interpreted to prevent either party from challenging in court any opinion or interpretation of the State Attorney General with regard to state law or regulation or solicitor with regard to federal law or regulations.

IV. Revisions to Protocol

As a part of the Cooperative Agreement referenced in Part I hereof, this Protocol may be revised at any time during the duration of said Cooperative Agreement with the consent of the appropriate officer of the State Regulatory Authority and the Regional Director. Such revision shall become effective upon publication in the Federal Register.

Thomas L. Judge,
Governor of Montana.
Leo Berry, Commissioner,
Department of State Lands.
Cecil D. Andrus,
Secretary of the Interior.

Appendix A

This Appendix A identifies the laws of the State of Montana and the regulations of the State Regulatory Authority which are incorporated into the 1978 Federal-State Cooperative Agreement between the State of Montana and the Secretary of the Interior pursuant to Article III. C. of said Cooperative Agreement. This Appendix is approved as part of the Cooperative Agreement. The requirements contained in the laws and regulations identified in this Appendix shall be applicable to surface coal mining and reclamation operations on Federal lands in accordance with the terms of the Cooperative Agreement. Included in this Appendix are:

1. Laws of the State of Montana:

(a) The provisions of the Montana Strip and Underground Mine Reclamation Act Title 50 Chapter 10 of the Revised Codes of Montana 1947, as amended, which are specifically identified in

(i)–(xxii) hereof:

(i) § 50–1034.

(ii) § 50–1035.

(iii) § 50–1036; provided, however, that in paragraph (1) the words "and uranium" shall not be included in this Appendix A.

(iv) § 50–1037.

(v) § 50–1039, provided, however, that with respect to subsection (8)(a), the phrase "nor more than twenty-five hundred dollars ($2,500)" is not included in Appendix A and shall not apply to Federal lands; and provided further that any bond applicable to the performance of duties on or affecting Federal lands shall conform to the requirements of Article VII of this Cooperative Agreement in addition to the requirements of State law.

(vi) § 50–1039.1, except that this section shall not apply where the surface owner is the United States in which case the laws of the United States shall exclusively apply.

(vii) § 50–1040.

(viii) § 50–1042.

(ix) § 50–1043.

(x) § 50–1044, provided, however, that with respect to subsection (5), any bond applicable to the performance of duties on or affecting federal lands may be released only on consent of the Secretary in accordance with Article VII of this Cooperative Agreement.

(xi) § 50–1045.

(xii) § 50–1046.

(xiii) § 50–1047, provided, however, that with respect to subsection (3), any bond applicable to the performance of duties on or affecting federal lands may be released only on consent of the Secretary in accordance with Article VII of this Cooperative Agreement.

(xiv) § 50–1048.

(xv) § 50–1050.

(xvi) § 50–1051.

(xvii) § 50–1052.

(xviii) § 50–1053.

(xix) § 50–1054, provided, however, that the bond may also be forfeited by the Secretary under federal law pursuant to Article VII of this Cooperative Agreement.

(xx) § 50–1055, provided, however, that subsections (1) and (2) shall not be construed as applying to any federal officer.

(xxi) § 50–1056, provided, however, that the imposition of a civil or criminal penalty by the state pursuant to this section shall not be construed as barring the Secretary from assessing a civil penalty pursuant to 30 CFR 211.78 or from requesting criminal prosecutions under applicable federal law.

(xxii) § 50–1057, provided, however, that this section shall be limited to actions taken by the state under state law in accordance with this Cooperative Agreement, and nothing in this section or this Cooperative Agreement shall be construed so as to create jurisdiction in a state court over actions taken by the Secretary, including the denial or approval of mining plans.

2. Regulations of the Montana Department of State Lands, including

the amendments adopted by the State Board of Land Commissioners on July 17, 1978, except: (i) § 26–2.10–S 10270(6).

[FR Doc. 79–18121 Filed 6–8–79; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 211

Regulation of Coal Mining on Federal Lands in Utah; Federal/State Cooperative Agreement

AGENCY: Office of Surface Mining Reclamation and Enforcement and Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This final rule completes the approval and promulgation of a Federal/State cooperative agreement between the Department of the Interior and the State of Utah for the regulation of surface coal mining and reclamation operations on Federal lands in Utah.

EFFECTIVE DATE: June 11, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Crane, Regional Director, Region V, Office of Surface Mining, 1823 Stout Street, Denver, Colorado 80202, (303) 837–5421.

SUPPLEMENTARY INFORMATION: This cooperative agreement modifies the prior cooperative agreement (30 CFR 211.77(b)) in accordance with the requirements of section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87), "Surface Mining Act," and § 211.75 (b) and (c) of Title 30 CFR. This cooperative agreement was published as a proposed rule on March 5, 1979 (44 FR 12046). The agreement establishes conditions for State regulation of surface coal mining and reclamation operations on Federal lands, and requirements for such operations on Federal lands, including but not limited to (1) the adoption of amended State statutes and regulations containing new or modified enforcement procedures, environmental protection standards, and reclamation requirements applicable to surface coal mining and reclamation operations as substantive Federal law; (2) a requirement that the State regulatory authority exercise State enforcement powers on Federal lands so as to achieve results consistent with those which would be achieved by Federal enforcement pursuant to section 521 of the Surface Mining Act; (3) clarification of the procedures for the cooperative review and approval of mining and reclamation operations on Federal lands; and (4) provisions for the termination of such agreement.

In response to the proposed rulemaking, three comments were received. The comments raised six issues.

1. One comment was an objection to Utah's designation of the Utah Division of Oil, Gas and Mining, as the State regulatory authority responsible for administering the cooperative agreement. The commenter contends that this administrative arm of Utah's government is controlled by the mining and mineral interests. This, asserts the commenter, appears to be in violation of the Federal Act (Surface Mining Act), which prohibits any conflict of interest by employees, boards or commissions. The commenter provides no other substantive support for his argument, but does suggest that the (Utah) Division of State Lands or Department of Agriculture in cooperation with the Soil Conservation Service would be a more logical State regulatory authority designee.

The Office has no authority under the Surface Mining Act or regulations promulgated pursuant to the Act to designate a specific State agency as the regulatory authority. On the contrary, the Office believes that Congress intended to reserve such authority to the State. The Office, therefore, takes no position for or against the commenter's preferred State regulatory authority designee.

With respect to assertions concerning conflict of interest, the Surface Mining Act does prohibit conflict of interest by employees serving in certain capacities within the State regulatory authority. However, under § 705.5 members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. As required by 30 CFR 705.11(a), employees covered by the regulations are required to file a statement of employment and financial interest. These filings are required periodically and are subject to thorough review. Irregularities must be corrected and, where warranted, criminal penalties may be imposed under Section 517(g) of the Surface Mining Act. Refusal of a State to enforce the required regulations concerning restrictions of financial interests of State employees (30 CFR Part 705) may be considered grounds for nullifying a State's eligibility for grants or financial reimbursement under the Act or continued responsibility as the primary regulatory authority over surface coal mining operations in the State. For these reasons, the Office believes that the public interest is adequately protected.

2. Another comment suggested that Article IV of the Agreement, which required the submission of identical mining and reclamation plans and permit applications, modifications or revisions to the State regulatory authority and Regional Director, implies that each regulatory authority shall conduct its own review and analysis of the permit application. The commenter suggests it would be more appropriate for the State regulatory authority to conduct a detailed review and analysis, while the Regional Director conducts a general overview of the State regulatory authority review.

The exact procedures and level of detail used by the Office to conduct an independent but concurrent review of a mine plan will be discretionary with the Regional Director. The level of the Federal analysis will depend upon the particular size, location, and complexity of the individual mine plan. In making a concurrent mine plan review, the Regional Director must also insure that the mine plan meets the requirements of the Mineral Leasing Act of 1920, the National Environmental Policy Act of 1969, the Endangered Species Act, the Historic Preservation Act and the provisions of other appropriate Federal laws. These requirements, along with the approval or disapproval of a mine plan, cannot be delegated by the Secretary pursuant to section 523(c) of the Act.

3. A third comment indicated that paragraph 6 of the Protocol, which requires the State regulatory authority to incorporate "matters into the draft letter at the Secretary's request * * *", tends to suggest that the Regional Director will review all draft letters from the State regulatory authority. This apparent requirement, asserts the commenter, will lead to delay in the permitting process. The commenter, therefore, recommends that all communications between the State regulatory authority and the operator be copied to the Regional Director, rather than having the Regional Director conduct a review of any or all draft communications.

The draft letter referred to in paragraph 6 of the Protocol, pertains only to new mining plans and permit applications, or modifications or revisions thereto. The requirement that such draft letter be forwarded to the Regional Director is to assure that matters needing further attention by the State or OSM, as determined in the independent but concurrent mine plan review, are accurately reflected in the letter prior to forwarding to the operator for necessary action. This procedure also insures that certain matters

required of the Secretary relating to responsibilities under the Mineral Leasing Act or other Federal statutes, but not the State regulatory authority, are included in the letter. In this way, the Secretary is assured that his nondelegable responsibility for mine plan approval or disapproval is not compromised. For these reasons, the Office elected not to adopt the commenter's suggested revision.

4. A fourth issue raised in the comments suggested that paragraph 11 of the Protocol suggests that an environmental impact statement or assessment would be required for every mine plan or major modification or revision thereof. The commenter asserts this is neither the intent of NEPA nor of the Office of Surface Mining, and suggests that paragraph 11 be reworded to give the designated environmental impact statement team discretionary authority, consistent with applicable State and Federal law, to determine the significance of the action and the need for an environmental impact statement or environmental assessment.

The Office has reviewed the regulations published by the Council on Environmental Quality and has determined that the proposed surface coal mine operations (mine plans) or major modifications or revisions thereof do not qualify as a categorical exclusion under 40 CFR 1508.4. Therefore, it will be necessary to prepare, as a minimum, an environmental assessment on all mine plan submissions or major modifications or revisions thereto. Paragraph 11 is intended to assure compliance with the requirements of the National Environmental Policy Act of 1969. For this reason, the Office did not adopt the commenter's suggestion to revise paragraph 11 of the Protocol.

5. One commenter suggested that the proposed Utah interim cooperative agreement is deficient because Utah has not met the preconditions for formulation of a cooperative agreement. Specifically, the commenter asserts that agreement provisions in Article VI paragraphs B and C delegating Federal Enforcement authority to State inspectors by the Secretary is neither legal nor effective. The commenter asserts that it will be challenged when the State inspectors seek to use their "federal authority".

The Office believes that the Secretary does have legal authority to delegate Federal enforcement responsibility to State inspectors. Through the cooperative agreement, the State agency responsible for administering and enforcing the terms of the agreement is acting as an authorized representative of the Secretary to regulate surface coal mining operations on Federal lands. This includes mine inspections. Section 521(a)(3) of the Act clearly states, "when, on the basis of a Federal inspection * * * the Secretary *or his authorized representative* determines * * * the Secretary or his *authorized representative* shall issue a notice to the permittee * * *." (emphasis added). If the authorized representative issues a notice or order consistent with and pursuant to section 523(a)(3) and the permittee fails to comply, under the terms of Article VI (E) of the agreement the State shall report the failure to comply to the Secretary, and under Article VI (F) the Secretary may take appropriate legal action to correct conditions that violate Federal law or to suspend the right to conduct surface coal mining and reclamation operations. For these reasons, the Office believes that delegation of inspection and enforcement responsibilities to State inspectors is in full compliance with the Act, and the authority in Article VI (F) provides an effective enforcement tool to require compliance with a State inspector's orders.

Notwithstanding the Secretary's authority to delegate Federal enforcement authority to State inspectors, on March 9, 1979, the State of Utah enacted new legislation which authorizes the State regulatory authority to issue notices and orders so that Federal delegation of enforcement authority will no longer be necessary. The cooperative agreement will be amended shortly to reflect the new State authority.

6. A final comment cites four sections of the Utah code which are believed inadequate to permit full compliance with and enforcement of the interim program. Specifically, sections 40-8-7; 40-8-16; 40-8-18; and 40-8-23 of the Utah code, asserts one commenter, contain certain statutory restrictions and, therefore, the State is without the legal authority to require an operator of an existing mine to comply with the rules or regulations implemented to meet the requirements of the Act. The commenter points out that the Office of Surface Mining has requested and the State has obtained waivers from the mining industry on the statutory restrictions preventing the retroactive application of new rules and regulations. However, the commenter contends that there is no guarantee that this action is legally binding or enforceable. The commenter further contends that until the State of Utah enacts legislation that allows full compliance with the requirements of the Federal Act, the Department should not enter into a cooperative agreement on Federal lands.

Concerning the commenter's assertion that Utah's code does not provide sufficient legal authority for administering the Act, the Office points out that Section 40-10-22 of the new Chapter 10 of Title 40, Utah Code Annotated 1953, specifically permits the issuance of cessation orders. Additionally, the statutory restrictions cited by the commenter as limiting the State's control over certain mining activities and functions have been replaced under the new Utah code. Sections 40-10-6(3), 40-10-6(4), 40-10-12(3), and 40-10-9 of the new law effectively deal with the commenter's concerns regarding the retroactive effect of regulations on reclamation plans. These sections provide for the establishment of a permit system which gives the responsible State agency much broader authority to review and, if necessary, revoke permits and require that all operators must submit permit applications for surface coal mining operations.

The State and the Secretary have mutually agreed that following publication of this final rule, the State/Federal cooperative agreement with the State of Utah, including Appendix A and all references thereto, will be amended to reflect the provisions, as appropriate, of Chapter 10 of Title 40, Utah Code Annotated. The Office believes that the passage of Utah's Act relating to the regulation of coal mining and reclamation operations and the subsequent amendment of the final modified State/Federal cooperative agreement with Utah is responsive to the commenter's concern that "Until the State of Utah enacts legislation that allows full compliance with the requirements of the Federal Act, the Department should not enter into a cooperative agreement on Federal lands."

Other Information

1. *Significance.* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. This "Determination of Significance" document prepared by the Office of Surface Mining concludes that because a State/Federal cooperative agreement between the State of Utah and the Department has been in effect for quite some time, the modified agreement in question does not incorporate any changes or revisions which would impose a major social,

economic, or recordkeeping burden on any level of Federal, State, or local government or upon industry. This document is available for public inspection in the Director's Office, Office of Surface Mining, Room 233, South Interior Building, 1951 Constitution Ave., NW., Washington, D.C. 20240.

2. Pursuant to section 702(d) of the Surface Mining Act, adoption of this rule is a part of the Secretary's implementation of the Federal Lands Program and is, therefore, exempt from the requirement to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

3. Because of the delay in the publication of this rule and the necessity to implement the provisions of the cooperative agreement, the Department has determined that good cause exists to make the rule effective upon the date of publication.

Dated: June 6, 1979.

Cecil D. Andrus,

Secretary.

1. Accordingly, Title 30 CFR 211.10(e)(2) is amended as follows:

§ 211.10 Exploration and mining plans.

* * * * *

(e) States with § 211.75(c) agreements.* * *

(2) *Utah.* A Federal coal lessee in the State of Utah who must submit a mining plan or permit under both State and Federal law shall submit to both the State Regulatory Authority and the Denver Regional Office, Office of Surface Mining, in lieu of the submission required in this section, a mining plan or revision or modification to an approved plan containing the information required by or necessary for the State Regulatory Authority and the Secretary to determine compliance with the statutory, regulatory and other requirements identified in paragraph B1 of Article IV of the modified Cooperative Agreement, the statement required by paragraph B2 of Article IV of the modified Cooperative Agreement, and the information required by:

(i) Utah Code Ann. 1953, as amended, section 40–8–13;

(ii) Rule M–3 of the Utah Division of Oil, Gas and Mining, except the paragraph following (h) due to the confidentiality provision which is not in conformity with the Surface Mining Control and Reclamation Act of 1977; and

(iii) 30 CFR 211.10(c); and

(iv) Any final action by the State Regulatory Authority or the Secretary with respect to a mining plan or revision or modification submitted for approval shall be in accordance with Article IV of the modified Cooperative Agreement.

* * * * *

2. 30 CFR 211.77(b) is amended as follows:

§ 211.77 States with cooperative agreement.

* * * * *

(b) Utah. The administration and enforcement of reclamation requirements of Federal coal leases in Utah, subject to this Part, shall be done according to the cooperative agreement between the State of Utah and the Department which became effective June 10, 1977, as modified on October 18, 1978, and published on June 11, 1979.

3. The State of Utah and the Department enter into a modified Cooperative Agreement to designate the State of Utah as the principal party to administer surface coal mining and reclamation operations on Federal leases in Utah to read as follows:

Cooperative Agreement Between the United States Department of the Interior and the State of Utah under Section 523(c) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 (hereinafter referred to as the "Act"), 30 U.S.C. 1273(c), between the State of Utah, acting by and through Scott M. Matheson, Governor (hereinafter referred to as the Governor), and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

Article I. Purpose

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of Utah with respect to regulation of surface coal mining and reclamation operations on Federal lands within the State of Utah. The basic purpose of this Agreement is to reduce duality of administration and enforcement of surface reclamation requirements by providing for state regulation of surface coal mining and reclamation operations on Federal lands within the State.

Article II. Effective Date

This Cooperative Agreement is effective following signing by the Secretary and the Governor, approval by the Division of Oil, Gas, and Mining of the Utah Department of Natural Resources, and upon final publication as rulemaking in the Federal Register. This Cooperative Agreement shall remain in effect until terminated as provided in Article IX. This Cooperative Agreement constitutes a modification to, an extension of, and supercedes that Cooperative Agreement published at 42 FR 18068, effective April 5, 1977, 30 CFR 211.77(b).

Article III. Requirements for Cooperative Agreement

The State of Utah and the Secretary affirm that they will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Utah Division of Oil, Gas, and Mining (hereinafter referred to as the "State Regulatory Authority") is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor on Federal lands throughout the State.

B. *Authority of State Agency.* The State Regulatory Authority designated in paragraph A of this Article has, and shall continue to have, authority under State law to carry out this Cooperative Agreement.

C. *State Reclamation Law.* Enforcement of the environmental performance standards and reclamation requirements of Title 40 Chapter 8 Utah Code Annotated 1953 (as amended), and the regulations promulgated pursuant thereto as set forth in Appendix A of this Cooperative Agreement, will provide protection of the environment at least as stringent as would occur under the exclusive application of the standards and procedures set forth in the Act, and the regulations promulgated thereunder.

D. *Effectiveness of State Procedures.* The procedures of the State for enforcing the requirements contained in Appendix A are and shall continue to be as effective as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State will inspect all surface coal mining operations on Federal lands located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the requirements contained in Appendix A in a manner that ensures effective protection of the environment and public health and safety consistent with the requirements of Article VI of this Agreement.

G. *Funds.* The State has devoted and will continue to devote, adequate funds to the administration and enforcement of the requirements contained in Appendix A of this Cooperative

Agreement. If the State Regulatory Authority complies with the terms of this Agreement, and if necessary funds have been appropriated, the Secretary shall reimburse the State as provided in Section 705(c) of the Act, for costs associated with carrying out responsibilities under this Cooperative Agreement. Reimbursement grants shall be made at least on an annual basis. The Secretary shall advise the State Regulatory Authority within a reasonable period of time after the effective date of this modification of the amount the Federal Government would have expended if the State had not entered into this Cooperative Agreement.

H. *Reports and Records.* The State Regulatory Authority shall make reports to the Secretary containing information respecting its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Regulatory Authority and the Secretary shall exchange, upon request, information developed under the Cooperative Agreement.

I. *Personnel.* The State Regulatory Authority shall have the necessary personnel to fully implement this Cooperative Agreement in accordance with the provisions of the Act.

J. *Equipment and Laboratories.* The State Regulatory Authority shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses, can be performed or determined, and which are necessary to carry out the requirements of the Cooperative Agreement, or have access to such facilities and personnel.

Article IV. Mining and Reclamation Plans

A. State and Federal laws and regulations require the operator on Federal lands leased, permitted, or licensed for surface coal mining operations to receive approval from the State Regulatory Authority and the Secretary of a mining plan and permit prior to conducting operations.

B. *Contents of Mining Plans and Permits.* The State of Utah by its Governor and the Secretary agree, and hereby require that an operator on Federal lands shall submit an identical federal mining and reclamation plan and state permit application which shall be in the form required by the State Regulatory Authority and include any supplemental forms required by the Secretary. Such plan and application shall include the following information:

1. The information required by, or necessary for the State Regulatory Authority and the Secretary to make a determination of compliance with:

a. Utah Code Annotated 1953 as amended.

b. Mined Land Reclamation General Rules and Regulations and Rules of Practice and Procedure, M-3, and coal mining regulations MC-715 *et seq.*

c. The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201, *et seq.*; 91 Stat 445) and the regulations promulgated pursuant thereto, to the extent it is not otherwise required by 1 (a) and (b) above.

d. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*, to the extent it is not otherwise required by 1(a), 1(b), and 1(c) above.

e. The requirements of 30 CFR 211.10.

f. Applicable terms and conditions of the lease or license.

g. Applicable requirements of other Federal laws.

2. A statement certifying that identical copies of the mining and reclamation plan and permit application have been given to both the State Regulatory Authority and the Secretary.

3. The State Regulatory Authority and the Office of Surface Mining on behalf of the Secretary shall jointly review and act upon each mining and reclamation plan and permit application, or modifications or revisions thereto, in accordance with the Protocol attached hereto and incorporated as a part of this Cooperative Agreement. The parties may review and mutually revise said Protocol as deemed necessary in accordance with the terms of the Protocol, Article XI of this Agreement to the contrary notwithstanding. Any revisions to the Protocol shall become effective upon notice published in the Federal Register.

4. Any final approval of a mining and reclamation plan and permit application, or modifications or revisions thereto, by the State Regulatory Authority or the Secretary which would create a right of appeal by an aggrieved person shall be mutually acceptable to the State Regulatory Authority and the Secretary, and shall be concurrent. When acting upon mining and reclamation plans and permits, or modification or revisions thereto, the State Regulatory Authority and the Secretary agree that each of them will not approve any plan and permit, or modification or revision thereto, which fails to comply with the requirements of the laws and regulations listed in paragraph 1 of this Article.

5. When acting upon a mine plan, the Secretary reserves the right to impose such additional conditions or requirements not required by the Act or Appendix A of this Cooperative Agreement which are authorized or required by law or by his general authority to supervise the activities of persons on Federal lands.

Article V. Inspections

A. The State Regulatory Authority shall inspect without prior notice to the operator, as authorized by Utah state law as frequently as necessary, but at least quarterly, the area of operations as defined by the approved mining and reclamation plan, the permit area of the applicable state permit, and any other areas outside the area of operations which are or may be affected by the surface coal mining and reclamation operation on Federal lands. Such inspections shall be conducted for the purpose of determining whether the operator has complied with all applicable requirements of the Act and Appendix A hereof, and all environmental and reclamation requirements of approved mining and reclamation plans or permits, but not to determine compliance with development, diligent production and resource recovery requirements established under the Mineral Leasing Act, as amended, or to regulate other activities on Federal lands not subject to the Act.

B. The State Regulatory Authority will, subsequent to conducting any inspection, file with the Secretary a report adequately describing (1) the general conditions of the lands under lease, permit or license, (2) the manner in which the operations are being conducted, and (3) whether the operator is complying with applicable performance and reclamation requirements. A copy of this inspection report shall be furnished to the Secretary in accordance with regulations adopted pursuant to the Surface Mining Control and Reclamation Act. A copy of this report shall be furnished to the operator, upon request, and shall be made available for public inspection during normal business hours at the offices of the State Regulatory Authority and the Office of Surface Mining.

C. For the purpose of evaluating the manner in which this Coopertive Agreement is being carried out and to insure that performance and reclamation standards are being met, the Secretary may conduct inspections of surface coal mining and reclamation operations on Federal lands, and shall provide the State Regulatory Authority with a copy of the report. Inspections by the Secretary may be made in

association with regular inspections by the State.

D. The Secretary may also conduct inspections to determine whether the operator is complying with requirements which are unrelated to environmental protection and reclamation.

E. Personnel of the State and representatives of the Secretary shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VI. Enforcement

A. If the State Regulatory Authority finds any conditions or practices, or violations of the Act, the requirements of Appendix A hereof, or of an approved mining and reclamation plan or permit which would authorize the issuance of an order of cessation under Section 521(a)(2) of the Act, the State Regulatory Authority shall immediately exercise the discretion authorized by Section 40-8-6 of the Utah Code Annotated 1953, as amended, to suspend the license of an operator.

B. (1) When, during any inspection, any representative of the State Regulatory Authority determines that any operator is in violation of the Act, any requirement of Appendix A, or any requirement of an approved mining and reclamation plan or permit, but such violation would not require an action in accordance with paragraph A of this Article, the representative shall issue a notice and abatement schedule to the operator consistent with and pursuant to Section 521(a)(3) of the Act.

(2) When a notice and abatement schedule have been issued under B(1)(b) of this Article and a representative of the State Regulatory Authority determines that the operator has failed to abate the violation within the time fixed or subsequently extended consistent with Section 521(a)(3) of the Act, the representative shall immediately issue an order consistent with and pursuant to Section 521(a)(3) of the Act.

C. For the purposes of implementing paragraphs B (1) and (2) of this Article, the Secretary delegates his authority to issue notices and orders pursuant to § 521(a)(3) of the Act to representatives of the State Regulatory Authority who shall each be identified by a letter of authorization signed by the Director of the Office of Surface Mining. Such letters of authorization shall be rendered null and void upon the termination of this Agreement or upon revocation by the Director.

D. Appeals or requests for relief from any action taken by an authorized representative of the Secretary acting in his capacity as the Secretary's representative pursuant to paragraphs B (1) or (2) of this Article shall be filed in accordance with the rules of procedure adopted by the Secretary (43 CFR Part 4).

E. The State shall promptly notify the Secretary of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to the Agreement and of all actions taken with respect to such violations.

F. This Agreement does not limit the Secretary's authority to seek cancellation of a federal coal lease under federal laws and regulations, or prevent the Secretary from taking appropriate legal or other actions to correct conditions or practices that violate federal law or Appendix A incorporated into federal law as a part of this Cooperative Agreement, or to suspend or revoke the right to conduct surface coal mining operations on federal lands in accordance with 30 CFR 211.72 or assess civil penalties in accordance with 30 CFR 211.78.

G. Failure of the State Regulatory Authority to enforce approved mining and reclamation plans, permits, and applicable laws and standards and regulations in accordance with this Agreement, shall be grounds for termination of this Cooperative Agreement.

Article VII. Bonds

A. *Amount and Responsibility.* The State Regulatory Authority and the Secretary shall require all operators on Federal lands to submit a single bond payable to both the United States and the State Regulatory Authority. Such bond shall be of sufficient amount to comply with the requirements of both State and Federal law and shall be conditioned upon compliance with all applicable requirements of Federal law and Appendix A hereof.

B. *Notification.* Prior to releasing the operator from his obligations under the bond required by State law for federal lands, the State Regulatory Authority shall consult with and obtain the advice and consent of the Secretary.

C. *Release of Bond.* The State Regulatory Authority shall hold the operator responsible and liable for successful reclamation as required by the State law.

D. Either the State Regulatory Authority or the Secretary may forfeit the bond under State or Federal law.

Article VIII. Opportunity To Comply With Cooperative Agreement

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Regulatory Authority that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. The period of time specified shall not be less than 30 days. Upon failure of the State Regulatory Authority to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

Article IX. Termination of Cooperative Agreement

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 90 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary pursuant to paragraphs D, E, and F of this Article whenever the Secretary finds, after giving due notice to the State Regulatory Authority and affording the State Regulatory Authority an opportunity for a hearing:

1. That the State Regulatory Authority has failed to comply substantially with a provision of this Cooperative Agreement; or

2. That the State Regulatory Authority has failed to comply with any assurance given by the State upon which this Cooperative Agreement is based, or any condition or requirement which is specified in Article III.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law under any of the following circumstances:

1. When no longer authorized by Federal laws and regulations or Utah laws and regulations;

2. When a State program is finally disapproved, pursuant to Section 503 of the Act.

3. Within 120 days of the approval of a permanent State program pursuant to § 503 of the Act.

4. Following promulgation of a Federal lands program pursuant to Section 523(a) of the Act in the event the Secretary determines in writing that the State Regulatory Authority lacks the necessary personnel, legal authority, or funding to fully implement the Federal lands program in accordance with the provisions of the Act.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Regulatory Authority specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate this Cooperative Agreement.

3. The Secretary shall also publish a notice in the Federal Register containing items 1 and 2 of this paragraph, and specifying a minimum 30 days for comment by interested persons.

E. *Opportunity for Hearing.* Whenever the Secretary proposes to terminate this Cooperative Agreement pursuant to paragraph B hereof, in addition to the notice required by paragraph D, he shall:

1. Specify in the notices required by paragraph D the date and place where the State will be afforded an opportunity for hearing and to show cause why this Cooperative Agreement should not be terminated by the Secretary. The date of such hearing shall be not less than 30 days from the date of the publication in the Federal Register, and the place shall be in the State.

2. Within thirty (30) days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within thirty (30) days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

3. The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.*

1. After a hearing has been held with respect to a proposed termination of this Agreement under paragraph B of this Article, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of this Cooperative Agreement, he shall notify the State Regulatory Authority of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of this Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

2. After the close of the comment period required by paragraph D. 3. of this Article with respect to a proposal to terminate this Cooperative Agreement pursuant to paragraph C of this Article, the Secretary shall consider the comments received and after a review of the questions of law presented, shall publish notice of final action, either terminating the Cooperative Agreement or withdrawing the proposed termination, and stating his reasons therefor.

G. Nothing in this Article shall be construed as a waiver of any right the State Regulatory Authority may have to seek judicial review of any decision by the Secretary to terminate this Cooperative Agreement.

Article X. Reinstatement of Cooperative Agreement

If this Cooperative Agreement has been terminated, it may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement, and has remedied all defects in administration for which this Cooperative Agreement was terminated.

Article XI. Amendments of Cooperative Agreement

This Cooperative Agreement may be amended by mutual agreement of the Governor and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection. If accepted, the amendment shall be adopted after rulemaking.

Article XII. Changes in State or Federal Standards

The Secretary of the Interior and/or the State of Utah may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have 6 months in which to make such changes. For changes which require legislative authorization, the State has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If changes which are necessary for the State to have authority to administer and enforce Federal requirements are not made, then the termination provision of Article IX may be invoked.

Article XIII. Conflict of Interest

The State Regulatory Authority shall require its employees to comply with the requirements of 30 CFR 705.

Article XIV. Exchange of Information

A. *Organizational and Functional Statement.* The State Regulatory Authority and the Secretary shall advise

each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Regulatory Authority and the Secretary shall advise each other in writing of the location of its various offices, telephone numbers, addresses, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and of any changes in such.

B. *Laws, Rules and Regulations.* The State Regulatory Authority and the Secretary shall provide each other with copies of their respective laws, rules and regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations and standards when the revision becomes effective.

Article XV. Reservation of Rights

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the State of Utah and the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Federal Land Policy and Management Act of 1976, the Surface Mining Control and Reclamation Act of 1977, the Constitution of the United States, the Constitution of the State or State laws, nor shall this Agreement be construed so as to result in the transfer of the Secretary's duties under sections 2(a), 2(b), and 2(a)(B) of the Federal Mineral Leasing Act, as amended, or his duty to approve mine plans, or his responsibilities with respect to the designation of Federal lands as unsuitable for mining in accordance with Section 522 of the Act, or to regulate other activities taking place on Federal lands.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Part 710 shall be given the meanings set forth in said definitions.

Dated: October 20, 1978.

Scott M. Matheson

Governor of Utah.

Dated: October 20, 1978.

Cleaon Feight,

Director, Division of Oil, Gas, and Mining.

Dated: October 18, 1978.

Cecil D. Andrus,

Secretary of the Interior.

Appendix A

This Appendix A identifies the laws of the State of Utah and the regulations of the State Regulatory Authority which are incorporated into the 1978 Federal-State Cooperative Agreement between the State of Utah and the Secretary of the Interior pursuant to Article III. C. of said Cooperative Agreement. This Appendix is approved as part of the Cooperative Agreement. The requirements contained in the laws and regulations identified in this Appendix shall be applicable to surface coal mining and reclamation operations on Federal lands in accordance with the terms of the Cooperative Agreement. Included in this Appendix are:

1. Laws of the State of Utah:

(a) The provisions of the Utah Mined Land Reclamation Act Title 40, Chapter 8, Utah Code Annotated, 1953, as amended, which are specifically identified in (i)-(xxiii) hereof:

(i) § 40-8-1.

(ii) § 40-8-2.

(iii) § 40-8-3.

(iv) § 40-8-4, provided, however, that the 500-ton per year exclusion contained in the definition of "mining operations" shall not be included in Appendix A and shall not apply on Federal lands.

(v) § 40-8-5.

(vi) § 40-8-6, provided, however, that the 500-ton per year exclusion contained in the definition of "mining operations" shall not be included in Appendix A and shall not apply on Federal lands.

(vii) § 40-8-7(1), provided, however, that with respect to the application of subsection (1)(e) any bond applicable to the performance of duties on or affecting Federal lands shall conform to the requirements of Article VII of this Cooperative Agreement in addition to the requirements of state law.

(viii) § 40-8-8(1), (2), and (3).

(ix) § 40-8-9, provided, however, that this section shall be limited to actions taken by the State Regulatory Authority under state law pursuant to this Cooperative Agreement and nothing in this section or in this Cooperative Agreement shall be construed so as to create jurisdiction in a state court over actions taken by or pursuant to authority delegated by the Secretary, including the denial or approval of mining plans.

(x) § 40-8-10, provided, however that this section shall be limited to actions taken by the State Regulatory Authority under state law pursuant to this Cooperative Agreement and nothing in this section or in this Cooperative Agreement shall be construed so as to govern actions taken by or pursuant to authority delegated by the Secretary, including the denial or approval of mining plans.

(xi) § 40-8-11.

(xii) § 40-8-12.

(xiii) § 40-8-13(1), (3), (4), provided, however, that the "one time only" publication requirement relating to a "tentative decision" on a proposed agency action to approve a mining operation is not incorporated into this Appendix and shall not apply to Federal lands.

(xiv) § 40-8-14, provided, however, that any cash or securities posted in lieu of bond under this section conform to the requirements of Article VII of this Cooperative Agreement and applicable requirements of federal law; and provided, further that any bond applicable to the performance of duties on or affecting federal lands may be released only on consent of the Secretary in accordance with Article VII of this Cooperative Agreement; and also provided further that the bond may also be forfeited by the Secretary under federal law pursuant to Article VII of this Cooperative Agreement.

(xv) § 40-8-15.

(xvi) § 40-8-16(2), (3), and (4).

(xvii) § 40-8-17.

(xviii) § 40-8-18.

(xix) § 40-8-19.

(xx) § 40-8-20.

(xxi) § 40-8-21.

(xxii) § 40-8-22.

(xxiii) § 40-8-23.

2. Rules and Regulations of the Utah Board of Oil, Gas, and Mining, Division of Oil, Gas, and Mining including the amendments approved as Surface Mining Reclamation and Enforcement Provisions for coal adopted on May 25, 1978, except:

(i) The preamble of the rules pp. 66-67.

(ii) M-3 The paragraph following (h) due to the confidentiality portion which is not in conformity with the Act.

(iii) M-4.

Protocol for Cooperative Review of Mining and Reclamation Plans for Surface Coal Mining and Reclamation Operations on Federal Lands

I. *Purpose.* This Protocol is intended by the Utah Division of Oil, Gas, and Mining (hereinafter the "State

Regulatory Authority") and the Secretary to establish procedures governing the conduct of the respective Interior agencies and the State Regulatory Authority regarding the coordinated review of mining and reclamation plans, or modifications or revisions thereto for surface coal mining and reclamation operations on Federal lands pursuant to the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 (hereinafter referred to as the "Act"). These procedures are intended to implement the requirements of Article IV of the State/Federal Cooperative Agreement (hereinafter referred to as "Cooperative Agreement") between the State of Utah by its Governor and the Secretary dated , 1978, and are incorporated therein and made a part thereof.

II. *Procedures.* 1. Operators shall be required to submit identical copies of mining and reclamation plans and permit applications, or modifications or revisions thereto, to both the State Regulatory Authority and the Regional Director, Denver Region, Office of Surface Mining. The number of copies submitted to the State Regulatory Authority and the Regional Director shall be specified by regulation by each agency and may be changed according to need.

2. The State Regulatory Authority will be the point of contact for operators regarding matters subject to the requirements of the Act and Appendix A of the Cooperative Agreement. Following the initial submission of the mining plan and permit application, all correspondence from the State Regulatory Authority and the Secretary regarding matters subject to the requirements of the Act and Appendix A of the Cooperative Agreement will be coordinated and sent from the State Regulatory Authority on behalf of both. Interior agencies will not independently initiate contacts with operators regarding the completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of a State Regulatory Authority under the Act, provided that any matters of concern raised on behalf of the Secretary are adequately addressed by the State Regulatory Authority in accordance with the provisions of this Protocol.

3. The Office of Surface Mining will coordinate all activities relative to the review of mining plans and permit applications for all concerned Interior agencies and will act as the point of contact for communications between the State Regulatory Authority and the Department of the Interior.

4. Review and evaluation of each mining plan and permit application, or modifications or revisions thereto, and the data or documentation submitted in support thereof, will be conducted independently, but concurrently, by the State Regulatory Authority and the respective Interior agencies having responsibility for review of mine plans. During such review and evaluation, the staffs of the State Regulatory Authority and each Interior agency will coordinate their respective activities through the Office of Surface Mining by informal contacts as appropriate.

5. Based upon the coordinated review, the State Regulatory Authority will draft a response letter to the operator outlining the status of the completeness and deficiencies of the plan and application with respect to the requirements of the Act and Appendix A to the Cooperative Agreement. Such draft letter will be sent to the Denver regional office, Office of Surface Mining, within 60 days of receipt of the plan and application. The Office of Surface Mining will coordinate review of the draft letter on behalf of Interior agencies. The Office of Surface Mining will communicate to the State Regulatory Authority within a reasonable time any proposed additions or modifications to the letter. If any such proposed additions or modifications are objected to by the State Regulatory Authority, a meeting will be held between the Regional Director, Office of Surface Mining, and the State Regulatory Authority to resolve the specified objections. If the Regional Director and the State Regulatory Authority cannot resolve such objections, the State Regulatory Authority and the Regional Director shall summarize their disagreement in writing and request a meeting with the Director, Office of Surface Mining, and such other representative of the Secretary as may be appropriate, to discuss a resolution of such objections. Following the resolution of such objections or in the absence of any such objections, the draft letter will be revised to incorporate the language proposed by the Office of Surface Mining and sent to the operator by the State Regulatory Authority, with a copy to the Regional Director, Office of Surface Mining.

6. The Secretary may at his discretion incorporate into the draft letter any matters related to mining plan review and approval which are not within the jurisdiction of the State Regulatory Authority and which the Secretary is required to address under any federal statute or regulation other than the Act. The State Regulatory Authority agrees to incorporate such matters into the draft at the Secretary's request. Failure to incorporate such matters into the draft letter shall not deprive the Secretary of the right to contact an operator directly regarding such matters. Whenever written communications regarding such matters are made directly between an Interior agency and an operator, the State Regulatory Authority shall be supplied with a copy.

7. The Secretary, acting by and through the Office of Surface Mining, will be given an opportunity to review and propose additions or modifications to all substantive written correspondence from the State Regulatory Authority in accordance with paragraph 5 hereof.

8. Copies of all written communications, data, documents, or other information received by the State Regulatory Authority from operators will be forwarded to the Office of Surface Mining by the State Regulatory Authority or sent directly to the Office of Surface Mining by the operator when requested to do so by the State Regulatory Authority.

9. The Secretary and the State Regulatory Authority agree to inform each other of any communciations received from the operator regarding any matter subject to this Protocol.

10. Either the Secretary or the State Regulatory Authority may request and schedule meetings with the operator or site inspections. No meeting with the operator or site inspection will be scheduled by either the Secretary or the State Regulatory Authority without adequate advance notice to the other party and an opportunity to participate.

11. Upon receipt of a mining and reclamation plan and permit application, or major modification or revision thereto, the State Regulatory Authority and the Office of Surface Mining will designate an Environmental Impact Statement team and coordinate the drafting of an Environmental Assessment or Environmental Impact Statement which will comply with the National Environmental Policy Act and any applicable requirements of State law. It is understood and agreed by the parties that no formal, final action regarding approval or disapproval of any pending plan and permit may be taken by either party until said requirement of law is met. In addition, the State Regulatory Authority shall take action as is necessary to prevent approval of the application by default under State law.

12. Upon completion of review and evaluation of the plan and application, or modifications or revisions thereto, by the State Regulatory Authority, the State Regulatory Authority shall notify the Regional Director, Office of Surface Mining, of any proposed action to be taken regarding approval or disapproval, including any proposed special conditions or stipulations. After receipt of concurrence with any such action from the respective Interior agencies with responsibilities for the review of mining plans under any Federal statute or regulation other than the Act, and upon concurrence with any such action by the Regional Director for the Office of Surface Mining, and following completion of any procedures referenced in paragraph 11 hereof, a joint recommendation by the Regional Director, Office of Surface Mining, on behalf of all Interior agencies and the State Regulatory Authority will be forwarded to the Secretary or his authorized delegee for final action. If the Regional Director and the State Regulatory Authority cannot agree upon such a recommendation, the State Regulatory Authority and the Regional Director shall summarize their disagreement in writing and request a meeting with the Director, Office of Surface Mining, and such other representatives of the Secretary as may be appropriate, to discuss what final action may be appropriate under the circumstances of the case. If the State Regulatory Authority approves the mining and reclamation plan or permit or request for amendment in whole or in part, it shall condition any approval on obtaining approval of the plan, permit or amendment from the Secretary so that mining cannot commence on Federal lands until the Secretary approves the mining and reclamation plan.

13. Any final approval of the mining plan and permit, or modifications or revisions thereto, by the parties which will create a right of appeal by any aggrieved person shall not be complete until the document recording such action is signed by both the Secretary (or his authorized delegee) and the authorized representative of the State Regulatory Authority.

III. *Interpretation.* (a) This Protocol shall be construed so as to give effect to the intent of the parties as set out in the Cooperative Agreement of which this is a part. Any words or phrases used in this protocol shall be defined in accordance with Article XVI of said Agreement.

(b) If any question of legal interpretation is raised by either party with respect to any matter subject to this Protocol, both the State Regulatory Authority and the Secretary shall defer to the opinion of the State Attorney General where interpretations of State law or regulations are involved, and to opinions of the Solicitor of the Department of Interior where interpretations of Federal law or regulations are involved.

IV. *Revisions to Protocol.* As a part of the Cooperative Agreement referenced in Part I hereof, this Protocol may be revised at any time during the duration of said Cooperative Agreement with the consent of the appropriate officer of the State Regulatory Authority and the Regional Director. Such revision shall become effective upon publication in the Federal Register.

Dated: October 20, 1978.

Scott M. Matheson,

Governor of Utah.

Dated: October 20, 1978.

Cleon Feight,

Director, Division of Oil, Gas, and Mining.

Dated: October 18, 1978.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 79-18122 Filed 6-8-79; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 211

Regulation of Coal Mining on Federal Lands in Wyoming; Federal/State Cooperative Agreement

AGENCY: Office of Surface Mining Reclamation and Enforcement and Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This final rule completes the approval and promulgation of a Federal/State cooperative agreement between the Department of the Interior and the State of Wyoming for the regulation of surface coal mining and reclamation operations on Federal lands in Wyoming.

EFFECTIVE DATE: June 11, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Crane, Regional Director, Region V, Office of Surface Mining, 1823 Stout Street, Denver, Colorado 80202, (303) 837-5421.

SUPPLEMENTARY INFORMATION: This cooperative agreement modifies the prior cooperative agreement (30 CFR 211.77(a)) in accordance with the requirements of section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87), "Surface Mining Act," and § 211.75(b) and (c) of Title 30 CFR. This cooperative agreement was published as a proposed rule on March 5, 1979 (44 FR 12052). This agreement establishes conditions for State regulation of surface coal mining and reclamation operations on Federal lands, and requirements for such operations on Federal lands including but not limited to (1) the adoption of State statutes and amended regulations containing new environmental protection standards and reclamation requirements applicable to surface coal mining and reclamation operations as substantive Federal law enforceable by the State and the United States; (2) the requirement that the State Regulatory authority exercise State enforcement powers on Federal lands so as to achieve results consistent with those which would be achieved by Federal enforcement pursuant to section 521 of the Surface Mining Act; (3) the creation of procedures for the cooperative review and approval of integrated mining and reclamation plans for surface coal mining and reclamation operations on federal lands or on commingled State and/or private lands and Federal lands; (4) the termination of such agreement in the event the State does not implement the permanent Federal lands program or receive approval of a permanent regulatory program under section 503 of the Surface Mining Act; and (5) the creation of requirements for joint Federal and State approval and release of performance bonds for surface coal mining and reclamation operations which include Federal lands.

Three comments were received in response to the proposed rulemaking. Two of the comments raised a similar issue:

The commenters object to the provision of Article IX that allows the proposed interim program agreement to become the permanent program agreement without any action by the Secretary. The commenters argue that the provision is inconsistent with Section 523(c) of the Surface Mining Act and Part 745 of 30 CFR. One of the commenters suggested alternate language for the agreement that would provide for automatic termination 120 days after the approval of a permanent State program unless the Secretary does not notify the State of inadequacies in the proposed permanent State program.

The objections appear to be grounded in a concern that the interim program agreement will become the permanent program agreement following approval of a permanent State program for Wyoming without the benefit of Secretarial and public review as set forth in 30 CFR Part 745.

The Secretary believes that the agreement is consistent with Section 523

of the Act. The commenters choose to read the first sentence of Section 523(c) as calling for creation of a new cooperative agreement following approval of a State program, starting with a *tabula rasa* regardless of whether a cooperative agreement was in existence in that State for the initial regulatory program. And yet the language of the first sentence merely states that a "State with an approved State program *may elect* to enter into a cooperative agreement * * *" (emphasis added). This is a general sentence which is silent as to how the election is to be implemented.

Assuming that under the more specific language of the second sentence in section 523(c), a cooperative agreement could be modified in such a fashion as to comply fully with not only the initial program requirements, but also the permanent program requirements, the commenters reading of Section 523(c), would attribute to Congress the imposition of a superfluous requirement, i.e., that an adequate agreement be terminated and a new one negotiated. Rather than attribute such a result to Congress, the Secretary has interpreted Section 523(c) in a more pragmatic fashion.

The language of Section 523(c) is silent as to the consequences of State program approval on an existing cooperative agreement. Rather than starting as the commenters do, from the assumption that an existing cooperative agreement must automatically be discarded upon approval of a State program regardless of the adequacy of that existing agreement, the Secretary has chosen to reserve that determination until State program approval. If, at that time, a State with an existing cooperative agreement elects to continue regulation of surface coal mining operations on Federal lands, the Secretary will determine whether the existing cooperative agreement remains adequate. If he determines the existing cooperative agreement is inadequate, the provisions of Article IX and XI will apply, as will 30 CFR Part 745. Should the Secretary determine that the agreement remains adequate, its termination consistent with the commenter's reading of Section 523(c), would be contrary to principles of good management and administrative efficiency.

Although the Secretary appreciates the commenter's concerns on this issue, for the reasons given, he believes the language of the cooperative agreement is consistent with Section 523(c) of the Act.

The third commenter states the proposed agreement is unacceptable because it:

a. will perpetuate the interim regulatory program;

b. was initiated prematurely;

c. fails to comply with Section 523(c) of SMCRA;

d. lacks correpondence (sic) with Section 521 (Enforcement);

e. is not supported by evidence of compliance with or capacity to comply with assurances upon which the agreement depends, including adequate State funding of the State Regulatory Agency.

As pointed out in the response to the first comment, the cooperative agreement will be reexamined when the permanent State program is approved. It will be revised or continued as appropriate for the permanent program. The interim program will not be perpetuated as suggested by the commenter's first argument. With regard to argument "b," the commenter appears to be confused between the modification of an existing agreement and the development of a permanent program agreement. Modification of existing agreements prior to the permanent program is clearly authorized by Section 523(c). Point "c" is covered by the response to the first comment and by the reply to "b."

Argument "d" appears to refer to the delegation of Federal authority to State inspectors to issue notices and orders. The Office believes that the Secretary has legal authority to delegate Federal enforcement responsibility to State inspectors. Through the cooperative agreement, the State agency responsible for administering and enforcing the terms of the agreement is acting as an authorized representative of the Secretary to regulate surface coal mining operations on Federal lands. This includes mine inspections. Section 521(a)(3) of the Act clearly states, "when, on the basis of a Federal inspection * * * the Secretary *or his authorized representative* determines * * * the Secretary or his *authorized representative* shall issue a notice to the permittee * * *" (emphasis added). If the authorized representative issues a notice or order consistent with an pursuant to Section 521(a)(3) and the permittee fails to comply, under the terms of Article VI (E) of the agreement the State shall report the failure to comply to the Secretary, and under Article VI (F) the Secretary may take appropriate legal action to correct conditions that violate Federal law or to suspend the right to conduct surface coal mining and reclamation operations. For these reasons, the Office believes that delegation of inspection and enforcement responsibilities to State inspectors is in full compliance with the Act, and the authority in Article VI (F) provides an effective enforcement tool to require compliance with a State inspector's orders.

Finally, with regard to point "e," through the award of grants to the State, OSM has determined that the State has adequate capacity and funds to comply with the agreement.

Other Information:

1. *Significance.* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. This "Determination of Significance" document prepared by the Office of Surface Mining concludes that because a State/Federal cooperative agreement between the State of Wyoming and the Department has been in effect for quite some time, the modified agreement in question does not incorporate any changes or revisions which would impose a major social, economic, or recordkeeping burden on any level of Federal, State, or local government or upon industry. This document is available for public inspection in the Director's Office, Office of Surface Mining, Room 233, South Interior Building, 1951 Constitution Ave., NW., Washington, D.C. 20240.

2. Pursuant to Section 702(d) of the Surface Mining Act, adoption of this rule is part of the Secretary's implementation of the Federal Lands Program and is therefore exempt from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

3. Because of the delay in the publication of this rule and the necessity to implement the provisions of the cooperative agreement, the Department has determined that good cause exists to make the rule effective upon the date of publication.

Dated: June 6, 1979.

Cecil D. Andrus,

Secretary.

1. Accordingly, Title 30 CFR 211.10(e)(1) is amended as follows:

§ 211.10 Exploration and mining plans.

* * * * *

(e) States with § 211.75(c) agreements.

* * *

(1) Wyoming. A federal coal lessee in the State of Wyoming who must submit

a mining plan under both State and Federal law shall submit to both the State Regulatory Authority and the Denver Regional Office, Office of Surface Mining, in lieu of the submission required in this Section, a mining plan or revision or modification to an approved plan containing the information required by or necessary for the State Regulatory Authority and the Secretary to determine compliance with the statutory, regulatory and other requirements identified in paragraph B1 of Article IV of the modified Cooperative Agreement, the statement required by paragraph B2 of Article IV of the modified Cooperative Agreement and the requirements of 30 CFR 211.10(c).

* * * * *

§ 211.76 [Deleted]

2. Title 30 CFR 211.76 is deleted in its entirety.

3. Title 30 CFR 211.77 is amended as follows:

§ 211.77 States with cooperative agreements.

(a) Wyoming. The administration and enforcement of reclamation requirements of Federal coal leases in Wyoming, subject to this Part, shall be done according to the cooperative agreement between the State of Wyoming and the Department which became effective February 1, 1977, as modified on October 26, 1978, and published on June 11, 1979.

4. The State of Wyoming and the Department enter into a modified Cooperative Agreement to designate the State of Wyoming as the principal party to administer surface coal mine reclamation operations on Federal leases in Wyoming to read as follows:

Cooperative agreement between the U.S. Department of the Interior and the State of Wyoming under section 523(c) of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87 (hereinafter referred to as the "Act") 30 U.S.C. 1273(c), between the State of Wyoming, acting by and through Ed Herschler, Governor (hereinafter referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

Article I. Purpose

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of Wyoming with respect to regulation of surface coal mining and reclamation operations on Federal lands within the State of Wyoming. The basic purpose of this Agreement is to prevent duality of administration and enforcement of mining and reclamation requirements by providing for state regulation of surface coal mining and reclamation operations on Federal lands within the State.

Article II. Effective Date

This Cooperative Agreement is effective upon signing by the Secretary and the Governor and upon publication as rulemaking in the Federal Register, and shall remain in effect until terminated as provided in Article IX. This Cooperative Agreement constitutes a modification to, an extension of, and supersedes that Cooperative Agreement effective February 1, 1977, 42 FR 3644 (1977), 30 CFR 211.77(a).

Article III. Requirements for Cooperative Agreement

The Governor and the Secretary affirm that they will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Wyoming Department of Environmental Quality and the Environmental Quality Council (hereinafter referred to together as the "State Regulatory Authority"), is, and shall continue to be, the sole agency responsible for administering this Cooperative Agreement on behalf of the Governor on Federal lands throughout the State.

B. *Authority of State Agency.* The State Regulatory Authority designated in paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State Reclamation Law.* Enforcement of the environmental performance standards and reclamation requirements of Wyoming listed in Appendix A, will provide protection of the environment at least as stringent as would occur under the exclusive application of the standards and procedures set forth in the Act, and the regulations promulgated thereunder.

D. *Effectiveness of State Procedures.* The procedures of the State for enforcing the requirements listed in Appendix A, are and shall continue to be as effective as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The State Regulatory Authority agrees that the State will inspect all surface and mining operations on Federal lands located in the State, in accordance with the minimum schedules in Article V.

F. *Enforcement.* The State affirms that it will enforce the requirements contained in Appendix A, in a manner that ensures effective protection of the environment and public health and safety consistent with the requirements of Article VI of this Agreement.

G. *Funds.* The State has devoted and will continue to devote, adequate funds to the administration and enforcement of the requirements listed in Appendix A. If this Cooperative Agreement has been carried out to the satisfaction of the Secretary, and if necessary funds have been appropriated, the Secretary shall reimburse the State of Wyoming as provided in Section 705(c) of the Act, for costs associated with carrying out responsibilities under the Cooperative Agreement. Reimbursement shall be in the form of annual grants and applications for said grants shall be processed and awarded in a timely and prompt manner. The Secretary shall advise the State of Wyoming within a reasonable period of time after the effective date of this modification of this Cooperative Agreement of the amount the Federal Government would have expended if the State had not entered into this Cooperative Agreement.

H. *Reports and Records.* The State Regulatory Authority shall make reports to the Secretary containing information respecting its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Regulatory Authority and the Secretary shall exchange, upon request, information developed under this Cooperative Agreement.

I. *Personnel.* The State Regulatory Authority shall have the necessary personnel to fully implement this Cooperative Agreement in accordance with the provisions of the Act.

J. *Equipment and Laboratories.* The State Regulatory Authority shall have equipment, laboratories, and facilities with which all inpsections, invetigations, studies, tests, and analyses can be performed or determined, and which are necessary to carry out the requirements of this Cooperative Agreement, or have access to such facilities and personnel.

K. *Variances.* In accordance with § 35-11-112 of the Wyoming Environmental Quality Act, the State Regulatory Authority shall not grant any request for variances from any rule, regulation, standard, or permit if such variance would render any State requirement less stringent than a similar requirement contained in sections 502(c), 510(d), and 516 of the Act, and regulations promulgated thereunder or

any environmental protection and regulation provision of 30 CFR Part 211.

Article IV. Mining and Reclamation Plans and Permit Applications

A. State and Federal laws and regulations require the operator on Federal lands leased, permitted, or licensed for coal mining to receive approval from the State Regulatory Authority and the Secretary of a mining and reclamation plan and permit application, or amendment to an existing plan or permit (hereinafter referred to as the "application"), prior to conducting operations.

B. *Contents of Mining and Reclamation Plans and Permit Applications.* The Governor, the State Regulatory Authority, and the Secretary agree, and hereby require that an operator on Federal lands must submit a single application, which application must be submitted in the form required by the State Regulatory Authority along with any supplemental forms required by the Secretary and must include the following information:

1. The information required by, or necessary for the State Regulatory Authority and the Secretary to make a determination of compliance with:

a. Wyoming State Statutes sections 35–11–406 (a), (b)(i)–(ix), and (xiii)–(xviii), and (c).

b. Wyoming Land Quality Rules and Regulations.

c. The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.;* 91 Stat. 445) and the regulations promulgated pursuant thereto.

d. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*

e. The environmental protection and regulation requirements, and resource conservation requirements of 30 CFR Part 211.

f. Applicable conditions of the lease or license unless such conditions would be contrary to the requirements of the Act.

g. The information required by applicable requirements of other federal laws.

2. A statement certifying that identical copies of the application have been given to both the State Regulatory Authority and the Secretary.

3. Upon receipt of each application the Office of Surface Mining shall designate a single contact person as its representative on all matters concerning that application and all communications concerning review of and final action on that application by either the State Regulatory Authority or the Secretary shall be conducted with or through this representative or with the Secretary.

4. If the State Regulatory Authority requires the operator to submit additional information, the operator shall submit the information to the State Regulatory Authority and to the Secretary. If the Secretary requires additional information, such request shall be directed to the operator through the State Regulatory Authority, and the operator shall submit the information to the State Regulatory Authority and the Secretary.

5. The State Regulatory Authority and the Secretary shall review the application concurrently and shall promptly notify each other of their proposed action on the application, including proposed conditions and stipulations if approval of the application is proposed. Upon receipt of notice of the proposed action of the Secretary, the State Regulatory Authority shall modify its proposed action on the application to include those matters and conditions in the Secretary's proposed action which were not included in the proposed action of the State Regulatory Authority, and shall consult with the Secretary's contact person for the purpose of agreeing to the final actions to be taken by the Secretary and the State Regulatory Authority on the application.

6. Any final approval of an application, or modifications or revisions thereto, by the State Regulatory Authority or the Secretary which would create a right of appeal by an aggrieved person shall be mutually acceptable to the State Regulatory Authority and the Secretary, and shall be concurrent. The State Regulatory Authority and the Secretary agree that each of them will not take final action approving an application which fails to comply with the requirements of the laws and regulations listed in paragraph B of this Article. The Secretary agrees that he will not take final action approving an application which fails to comply with an environmental protection requirement of the State which is more stringent than the requirements of Federal law.

7. In the event the State Regulatory Authority and the Secretary's contact person cannot agree to the final actions to be taken by the State Regulatory Authority and the Secretary on the application, the matter shall be referred to the Governor and the Secretary for resolution.

8. When acting on a mine plan, the Secretary reserves the right to impose such additional conditions or requirements not required by the Act or Appendix A of this Cooperative Agreement which are authorized or required by law or by his general authority to supervise the activities of persons on Federal lands.

Article V. Inspections

A. The State Regulatory Authority shall inspect without prior notice to the operator, as authorized by Wyoming state law as frequently as necessary, but at least quarterly, the area of operations as defined by the approved mining plan and state permit, and any other areas outside the area of operations which are or may be affected by the surface coal mining and reclamation operations on Federal lands. Such inspections shall be conducted for the purpose of determining whether the operator has complied with all applicable requirements of the Act and Appendix A hereof, all environmental and reclamation requirements of the approved mining plans or permits, but not to determine compliance with the development, diligent production, and resource recovery requirements established under the Mineral Leasing Act, as amended, or to regulate other activities on Federal lands not subject to the Act.

B. The State Regulatory Authority shall, subsequent to conducting any inspection, file with the Secretary a report adequately describing (1) the general conditions of the lands under lease, permit and license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements. A copy of this inspection report shall be furnished to the Secretary in accordance with regulations adopted pursuant to the Surface Mining Control and Reclamation Act. A copy of this report shall be furnished to the operator upon request, and shall be made available for public inspection during normal business hours at the office of the State Regulatory Authority and the Office of Surface Mining.

C. For the purpose of evaluating the manner in which this Cooperative Agreement is being carried out and to insure that performance and reclamation standards are being met, the Secretary shall conduct inspections of surface coal mining and reclamation operations on Federal lands, and shall provide the State Regulatory Authority with a copy of the report. Inspections by the Secretary may be in association with regular inspections by the State.

D. The Secretary may also conduct inspections to determine whether the operator is complying with requirements

that are unrelated to environmental protection and reclamation.

E. Personnel of the State and representatives of the Secretary shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Artilce VI. Enforcement

A. If the State Regulatory Authority finds any conditions or practices, or violations of the requirments of Appendix A hereof or of an approved mining plan or permit which would authorize the issuance of an order of cessation under section 521(a)(2) of the Act, the State Regulatory Authority shall immediately exercise the discretion authorized by section 35-11-412 of the Wyoming Environmental Quality Act to suspend or revoke the license of an operator.

B. 1. When, during any inspection, any representative of the State Regulatory Authority who has been designated an authorized representative of the Secretary determines that any operator is in violation of the Act, any requirement of Appendix A, or any requirement of an approved mining plan or permit, but such violation would not require an action in accordance with paragraph A of this Article, the representative shall:

a. Report such violation(s) to the Administrator of the Land Quality Division, Wyoming Department of Environmental Quality (DEQ) and to the Director of the DEQ, who shall issue an order and Notice of Violation pursuant to W.S. 35-11-701; and

b. Issue a notice and abatement schedule to the operator consistent with and pursuant to section 521(a)(3) of the Act. Nothing in this Agreement prohibits the issuance of an order and Notice of Violation under Wyoming law concurrent with the action required by this paragraph.

2. When a notice and abatement schedule have been issued under B(1)(b) of this Article and a representative of the State Regulatory Authority who has been designated an authorized representative of the Secretary determines that the operator has failed to abate the violation within the time fixed or subsequently extended consistent with section 521(a)(3) of the Act, the representative shall immediately issue an order consistent with and pursuant to section 521(a)(3) of the Act.

C. For the purposes of implementing paragraphs B (1) and (2) of this Article, the Secretary delegates his authority to issue notices and orders pursuant to section 521(a)(3) of the Act to representatives of the State Regulatory Authority who shall each be identified by a letter of authorization signed by the Director of the Office of Surface Mining. Such letters of authorization shall be rendered null and void upon the termination of this Agreement or upon revocation by the Director.

D. The State shall promptly notify the Secretary of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to the Agreement and of all actions taken with respect to such violations.

E. Appeals or requests for relief from any action taken by an authorized representative of the Secretary acting in his capacity as the Secretary's representative pursuant to paragraphs B (1) and (2) of this Article shall be filed in accordance with the rules of procedures adopted by the Secretary (43 CFR Part 4).

F. This Agreement does not limit the Secretary's authority to seek cancellation of a federal coal lease under federal laws and regulations, or prevent the Secretary from taking appropriate legal or other actions to correct conditions or practices that violate federal law or Appendix A incorporated into federal law as a part of this Cooperative Agreement, or to suspend or revoke the right to conduct surface coal mining operations on federal lands in accordance with 30 CFR 211.72 or assess civil penalties in accordance with 30 CFR 211.78.

G. Failure of the State Regulatory Authority to enforce approved mining and reclamation plans, permits, and applicable laws and standards and regulations in accordance with this Agreement, shall be grounds for termination of this Cooperative Agreement.

Article VII. Bonds

A. *Amount and Responsibility.* The State Regulatory Authority and the Secretary shall require all operators on federal lands to submit a single bond payable to both the United States and the State Regulatory Authority. Such bond shall be of sufficient amount to comply with the requirements of both state and federal law and shall be conditioned upon compliance with all applicable requirements of federal law and Appendix A hereof.

B. *Notification.* Prior to releasing the operator from his obligations under the bond required by State law for federal lands, the State Regulatory Authority shall consult with and obtain the advice and consent of the Secretary.

C. *Release of Bond.* The State Regulatory Authority shall hold the operator responsible and liable for successful reclamation as required by State law.

D. Either the State Regulatory Authority or the Secretary may forfeit the bond under state or federal law.

Article VIII. Opportunity To Comply With Cooperative Agreement

The Secretary may, in his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Regulatory Authority that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State has failed to comply and shall specify and state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. The period of time specified shall not be less than 30 days. Upon failure of the State Regulatory Authority to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

Article IX. Termination of Cooperative Agreement

This Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the State upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 90 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary pursuant to paragraphs D, E, and F of this Article whenever the Secretary finds, after giving due notice to the State Regulatory Authority and affording the State Regulatory Authority an opportunity for a hearing:

1. That the State Regulatory Authority has failed to comply substantially with a provision of this Cooperative Agreement; or

2. That the State Regulatory Authority has failed to comply with any assurance given by the State upon which this Cooperative Agreement is based, or any

condition or requirement which is specified in Article III.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law under any of the following circumstances:

1. When no longer authorized by Federal laws and regulations or Wyoming laws and regulations;

2. When a State program is finally disapproved, pursuant to Section 503 of this Act, or an approved State program is suspended or revoked pursuant to the Act or regulations promulgated pursuant thereto. Provided further that upon suspension of an approved State Program this Cooperative Agreement shall be suspended for the same period of time and shall be deemed reinstated upon reinstatement of the State Program.

3. If the Secretary determines that this Cooperative Agreement is not adequate for the purpose of implementing the permanent regulatory program requirements after approval of a State Program pursuant to § 503 of the Act. Notice of this determination shall be given in writing to the State Regulatory Authority and shall specify the inadequacies of this Agreement. This Cooperative Agreement shall terminate within 120 days of said notice unless amended by mutual agreement of the State Regulatory Authority and the Secretary to remedy the inadequacies identified by the Secretary in his notice.

4. Following promulgation of a federal lands program pursuant to Section 523(a) of the Act in the event the Secretary determines in writing that Wyoming lacks the necessary personnel, legal authority, or funding to fully implement the federal lands program in accordance with the provisions of the Act.

D. *Notice of Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Regulatory Authority specified in Article III.

2. Specify and set out in the written notice the grounds upon which he proposes to terminate this Cooperative Agreement.

3. The Secretary shall also publish a notice in the Federal Register containing items 1 and 2 of this paragraph, and specifying a minimum 30 days for comment by interested persons.

E. *Opportunity for Hearing.* Whenever the Secretary proposes to terminate this Cooperative Agreement pursuant to paragraph B hereof, in addition to the notice required by paragraph D, he shall:

1. Specify in the notices required by paragraph D the date and place where the State will be afforded an opportunity for hearing and to show cause why this Cooperative Agreement should not be terminated by the Secretary. The date of such hearing shall be not less than 30 days from the date of the publication in the Federal Register, and the place shall be in the State.

2. Within thirty (30) days of the date of the written notice specifying the date of the hearing, the State shall file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within thirty (30) days shall constitute a waiver of the opportunity for hearing, but the State may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

3. The hearing will be conducted by the Secretary. A record shall be made of the hearing and the State shall be entitled to obtain a copy of the transcript. The State shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, documents, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* 1. After a hearing has been held with respect to a proposed termination of this Agreement under paragraph B of this Article, or the right to a hearing has been waived or forfeited by the State, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the State of his decision. If the Secretary determines to withdraw approval of this Cooperative Agreement, he shall notify the State Regulatory Authority of his intended withdrawal of approval of the Cooperative Agreement, and afford the State an opportunity to present evidence satisfactory to the Secretary that the State has remedied the specified defects in its administration of this Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State for a hearing.

2. After the close of the comment period required by paragraph D. 3. of this Article with respect to a proposal to terminate this Cooperative Agreement pursuant to paragraph C of this Article, the Secretary shall consider the comments received and after a review of the questions of law presented, shall publish notice of final action, either terminating the Cooperative Agreement or withdrawing the proposed termination, and stating his reasons therefor.

G. Nothing in this Article shall be construed as a waiver of any right the State Regulatory Authority may have to seek judicial review of any decision by the Secretary to terminate this Cooperative Agreement.

Article X. Reinstatement of Cooperative Agreement

If this Cooperative Agreement has been terminated, it may be reinstated upon application by the State and upon giving evidence satisfactory to the Secretary that the State can and will comply with all the provisions of the Cooperative Agreement, and has remedied all defects in administration or law for which this cooperative Agreement was terminated.

Article XI. Amendments of Cooperative Agreement

This Cooperative Agreement may be amended by mutual agreement of the Governor and Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The amendment shall be adopted after rulemaking and the party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected shall state the reasons for rejection.

Article XII. Changes in State or Federal Standards

The Secretary of the Interior and/or the State of Wyoming may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. The Secretary and the Governor shall

immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, the State has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If changes which are necessary for the State to have authority to administer and enforce Federal requirements are not made, then the termination provision of Article IX may be invoked.

Article XIII. Conflict of Interest

The State Regulatory Authority shall require its employees to comply with the requirements of 30 CFR 705.

Article XIV. Exchange of Information

A. *Organizational and Functional Statement.* The State Regulatory Authority and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in personnel, officials, heads of a department or division, or a change in the functions or duties of persons occupying the principal offices within the organization. The State Regulatory Authority and the Secretary shall advise each other in writing of the location of its various offices, addresses, telephone numbers, and the names, location and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and of any changes in such.

B. *Laws, Rules, and Regulations.* The State Regulatory Authority and the Secretary shall provide each other with copies of their respective laws, rules and regulations and standards pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

Article XV. Reservation of Rights

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the Governor and the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, the Constitution of the United States, the Constitution of the State or State laws, nor shall this Agreement be construed so as to result in the transfer of the Secretary's duties under sections 2(a), 2(b), and 2(a)(3) of the Federal Mineral Leasing Act, as amended, or his responsibilities for designation of Federal lands as unsuitable for mining in accordance with Section 522(b) of the Act, or to regulate other activities taking place on Federal lands.

Article XVI. Definitions

Terms and phrases used in this agreement which are defined in 30 CFR Part 700 or Part 710 shall be given the meanings set forth in said definitions.

Dated: October 26, 1978.

Ed Herschler,

Governor of Wyoming.

Dated: October 26, 1978.

Robert E. Sundin,

Director, Department of Environmental Quality.

Dated: October 26, 1978.

Cecil D. Andrus,

Secretary of the Interior.

Appendix A

This Appendix A indentifies the laws of the State of Wyoming and the regulations of the State Regulatory Authority which are incorporated into the 1978 Federal-State Cooperative Agreement between the State of Wyoming and the Secretary of the Interior pursuant to Article III. C. of said Cooperative Agreement. This Appendix is approved as part of the Cooperative Agreement. The requirements contained in the laws and regulations identified in this Appendix shall be applicable to surface coal mining and reclamation operations on federal lands in accordance with the terms of the Cooperative Agreement. Included in this Appendix are:

1. Laws of the State of Wyoming:

(a) The provisons of the Wyoming Environmental Quality Act, W.S. § 35–11–101 to § 35–11–1104 (1977), as amended, including Enrolled Act No. 31, House of Representatives, 44th Legislature of the State of Wyoming, 1978 Session, which are specifically identified in (i)–(xxx) hereof:

(i) § 35–11–103(e)(i)–(xx).

(ii) § 35–11–109.

(iii) § 35–11–110.

(iv) § 35–11–112, provided, however, that subsection (a)(v) is not included in this Appendix and shall not be applicable to federal lands.

(v) § 35–11–402(a)(i)–(vi).

(vi) § 35–11–403.

(vii) § 35–11–405 (a), (d), (f), and (g).

(viii) § 35–11–406 (a), (b)(i)–(ix), (xiii)–(xix), (c) and (h).

(ix) § 35–11–407.

(x) § 35–11–408.

(xi) § 35–11–409.

(xii) § 35–11–410.

(xiii) § 35–11–411.

(xiv) § 35–11–412.

(xv) § 35–11–415.

(xvi) § 35–11–416, except that this section shall not apply where the surface owner is the United States in which case the laws of the United States shall exclusively apply.

(xvii) § 35–11–417, provided, however, that any bond applicable to the performance of duties on or affecting federal lands shall conform to the requirements of Article VII of this Cooperative Agreement in addition to the requirements of state laws.

(xviii) § 35–11–418; provided, however, that any cash or securities posted in lieu of bond under this section conform to the requirements of Article VII of this Cooperative Agreement and applicable requirements of federal law.

(xix) § 35–11–419.

(xx) § 35–11–420.

(xxi) § 35–11–421, provided, however, that the bond may also be forfeited by the Secretary under federal law pursuant to Article VII of this Cooperative Agreement.

(xxii) § 35–11–422.

(xxiii) § 35–11–423, provided, however, that any bond applicable to the performance of duties on or affecting federal lands may be released only on consent of the Secretary in accordance with Article VII of this Cooperative Agreement.

(xxiv) § 35–11–601, provided, however, that this section shall not apply to permits and mining plans applicable to federal lands approved by the Secretary, but shall only apply to Wyoming rules, regulations, or standards incorporated into this Appendix A which are determined by the Secretary pursuant to 30 CFR § 211.75(a) to be more stringent than the federal standard(s) which address the same subject matter. Any variance granted pursuant to this section with respect to such more stringent standards shall comply with the requirements of Article III. K. of this Cooperative Agreement.

(xxv) § 35–11–801, provided, however, that this section shall be limited to actions taken by the State Regulatory Authority pursuant to this Cooperative Agreement and nothing in this section or in this Cooperative Agreement shall be construed so as to create jurisdiction in

the Wyoming Quality Council over actions taken by the Secretary, including the denial or approval of mining plans.

(xxvi) § 35–11–802.

(xxvii) § 35–11–901, provided, however, that the imposition of a penalty by the State pursuant to this section shall not be construed as barring the Secretary from assessing a penalty pursuant to 30 CFR 211.78.

(xxviii) § 35–11–902.

(xxix) § 35–11–1001(a), provided, however, that this section shall be limited to actions taken by the State Regulatory Authority pursuant to this Cooperative Agreement and nothing in this section or in this Cooperative Agreement shall be construed so as to create jurisdiction in a state court over actions taken by the Secretary, including the denial or approval of mining plans.

(xxx) § 35–11–1101.

2. Regulations of the Wyoming Department of Environmental Quality, Land Quality Division, including the amendments approved by the Environmental Quality Council and filed with the Wyoming Secretary of State on September 5, 1978, except:

(i) Section 2. Definitions.

(32) *Subirrigation.* The second sentence of the Wyoming definitions shall not be included in this Appendix A. For the purposes of implementing this Cooperative Agreement only the first sentence shall apply on federal lands: "Irrigation of plants with water delivered to the roots from underneath."

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452.....33127
453.....33127
611.....31651, 31652
661.....31983
662.....31654
674.....33250

Proposed Rules:

410.....33127
661.....32012
810.....31858

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Interstate Land Sales Registration Office—

21442 4-10-79 / Registration, advertising, sales practices and posting of notices of suspension regulations
[Effective date corrected at 44 FR 22059, 4-13-79]

TRANSPORTATION DEPARTMENT

Coast Guard—

27391 5-10-79 / St. Johns River, Fla., drawbridge operations

National Highway Traffic Safety Administration—

27397 5-10-79 / New pneumatic tires for passenger cars

TREASURY DEPARTMENT

Internal Revenue Service—

27089 5-9-79 / Employment taxes; advance payments of earned income credit

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 31, 1979